PAPERS

OF THE

AMERICAN

SOCIETY OF CHURCH HISTORY

VOLUME I.

REPORT AND PAPERS OF THE FIRST ANNUAL MEETING, HELD IN THE CITY OF WASHINGTON, DEC. 28, 1888

EDITED BY

REV. SAMUEL MACAULEY JACKSON, M.A.
SECRETARY

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AMERICAN SOCIETY OF CHURCH HISTORY.

SECRETARY'S REPORT

OF THE

ORGANIZATION OF THE SOCIETY, NEW YORK, MARCH 23, 1888.

Pursuant to the invitation of Rev. Philip Schaff, D.D., LL.D., Professor of Church History in Union Theological Seminary, New York City, the following persons met in his house, No. 15 East Forty-third Street, on the evening of Friday, March 23d, 1888:

HENRY M. BAIRD, D.D., LL.D., Professor of Greek, University of the City of New York, author of "The Rise of the Huguenots," "The Huguenots and Henry of Navarre," etc.

EDWARD T. BARTLETT, D.D., Professor of Ecclesiastical History, Dean of the Divinity School of the Protestant Episcopal Church, Philadelphia.

CHARLES A. BRIGGS, D.D., Professor of Hebrew and the Cognate Languages, Union Theological Seminary, author of "American Presbyterianism: Its Origin and Growth," etc.

FRANCIS BROWN, Ph.D., D.D., Professor of Biblical Philology, Union Theological Seminary, author of "Assyriology: Its Use and Abuse in Old Testament Study," etc.

EDWARD T. CORWIN, D.D., author of "Manual of the Reformed Church in America."

HENRY MARTYN DEXTER, D.D., editor of the *Congregationalist*, author of "The Congregationalism of the Last Three Hundred Years, as Seen in Its Literature," etc.

DANIEL DORCHESTER, D.D., author of "The Problem of Religious Progress," and "Christianity in the United States."

EPHRAIM EMERTON, Ph.D., Winn Professor of Ecclesiastical History, Harvard University.

GEORGE PARK FISHER, D.D., LL.D., Professor of Ecclesiastical History, Yale University, New Haven, Conn., author of "The Reformation"; "Beginnings of Christianity"; "Outlines of Universal History"; "History of the Christian Church," etc.

Rev. GEORGE A. JACKSON, editor of "Early Christian Literature Primers," etc.

Rev. SAMUEL M. JACKSON, joint editor with Dr. Schaff of "Encyclopædia of Living Divines," etc.

JAMES M. LUDLOW, D.D., author of "The Concentric Chart of History," etc.

HENRY M. MACCRACKEN, D.D., Vice-Chancellor of the University of the City of New York, translator and author of "Leaders of the Church Universal."

JAMES C. MOFFAT, D.D., Professor of Church History, Princeton (N. J.) Theological Seminary, author of "Comparative History of Religions," etc.

Rev. ERNEST C. RICHARDSON, librarian of Hartford Theological Seminary, author of "Bibliography of the Ante-Nicene Fathers."

PHILIP SCHAFF, D.D., LL.D., Professor of Church History, Union Theological Seminary, author of "History of the Christian Church," "Creeds of Christendom," etc.

Col. ELLIOTT F. SHEPARD.

JOSIAH STRONG, D.D., General Secretary of the Evangelical Alliance, author of "Our Country."

On motion of Dr. Schaff, Prof. Fisher was elected Chairman, and Rev. S. M. Jackson, Secretary.

On taking the chair Prof. Fisher made a few remarks, and called upon Dr. Schaff to state the object of the meeting.

Dr. Schaff spoke upon the desirability and prospective usefulness of an American society of Church History on a catholic and irenical basis in the development of a taste and talent for historical theology by special researches, and by

bringing into personal contact the workers in this department, and thus indirectly aiding the cause of Christian union.

The Secretary then announced that the following persons had expressed their regret at necessary absence and their desire to become members of the proposed society:

Prof. W. ALEXANDER, D.D. (San Francisco); Prof. A. V. G. ALLEN, D.D. (Cambridge); Mr. B. D. BAGLEY (New York); Prof. C. W. BENNETT, D.D. (Evanston, Ill.); Rev. T. W. CHAMBERS, D.D. LL.D. (New York); Rt. Rev. A. C. COXE, D.D., LL.D. (Buffalo); Prof. W. G. CRAIG, D.D. (Chicago); Rev. E. R. CRAVEN, D.D. (Philadelphia); Prof. G. R. CROOKS, D.D. (Madison, N. J.); Prof. J. DEWITT, D.D. (Cincinnati); Prof. J. H. DUBBS, D.D. (Lancaster, Pa.); Prof. F. H. FOSTER, D.D. (Oberlin, O.); Pres. D. C. GILMAN, LL.D. (Baltimore); Rev. J. I. GOOD, D.D. (Philadelphia); Rev. J. HALL, D.D., LL.D. (New York); Prof. C. D. HARTRANFT, D.D. (Hartford); Prof. F. HUIDEKOPER (Meadville, Pa.); Mr. H. C. LEA, LL.D. (Philadelphia); Pres. J. MCCOSH, D.D., LL.D. (Princeton, N. J.); Prof. W. J. MANN, D.D. (Philadelphia); Prof. A. H. NEWMAN, D.D., LL.D. (Toronto); Prof. L. L. PAINE, D.D. (Bangor); Prof. F. L. PATTON, D.D., LL.D. (Princeton, N. J.); Rt. Rev. W. S. PERRY, D.D., LL.D. (Davenport, Iowa); Rt. Rev. H. C. POTTER, D.D., LL.D. (New York); Prof. G. L. PRENTISS, D.D. (New York); Rev. WENDELL PRIME, D.D. (New York); Prof. T. RICHEY, D.D. (New York); Rev. D. S. SCHAFF (Kansas City, Mo.); Mr. GUSTAV SCHWAB (New York); Prof. H. M. SCOTT, D.D. (Chicago); Prof. H. C. SHELDON (Boston); Prof. E. C. SMYTH, D.D. (Andover); Rev. C. A. STODDARD, D.D. (New York); Rev. R. S. STORRS, D.D., LL.D. (Brooklyn); Prof. J. B. THOMAS, D.D. (Newton Centre, Mass.); Rev. J. M. TITZEL, D.D. (Lancaster, Pa.); Prof. B. O. TRUE, D.D. (Rochester); and Prof. B. B. WARFIELD, D.D. (Princeton).

The Chairman then called upon those present to express freely their opinion as to the expediency of organizing the proposed society. Prof. Moffat began the discussion, and

all participated in it. The motion was then made by Prof. Baird, seconded by Dr. Corwin, and carried unanimously: "That it is the sense of this meeting that the time has come for the formation of such a society as is contemplated in the call."

The Constitution, which in printed draft had been sent to each person invited to the meeting, was then discussed, section by section, amended and adopted. See end of this report.

A committee of three to nominate the officers and other members of the Council being called for, the Chair appointed Rev. Drs. Dexter, Baird, and Bartlett, who, after conference, reported these nominations, which were unanimously adopted, and the persons named declared to be the officers and members of the Council of the American Society of Church History for 1888–'89:

President.—PHILIP SCHAFF, D.D., LL.D., Union Theological Seminary.

Vice-Presidents.—GEORGE P. FISHER, D.D., LL.D., Yale University; JAMES C. MOFFAT, D.D., Princeton Theological Seminary; A. C. COXE, D.D., LL.D., Bishop of the P. E. Diocese of Western New York; A. H. NEWMAN, D.D., LL.D., Baptist College, Toronto, Canada.

Secretary.—Rev. SAMUEL MACAULEY JACKSON, New York City.

Council.—DANIEL DORCHESTER, D.D.; H. M. SCOTT, D.D., Chicago Congregational Theological Seminary; EPHRAIM EMERTON, Ph.D., Harvard University; ERNEST C. RICHARDSON, Hartford Theological Seminary.

On request the Secretary consented to act as Treasurer until the place could be filled by the Council.[1]

On motion it was then resolved: "That the Council be requested to enter into correspondence with the American Historical Association for the purpose of effecting a union with that Association as an independent section."

On motion the Society then adjourned.

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[1] For the convenience of correspondents the address of the Secretary is here given: Rev. S. M. Jackson, 14 East 31st Street, N. Y. City.

CONSTITUTION OF THE AMERICAN SOCIETY OF CHURCH HISTORY.

[Adopted at the organization, Friday, March 23, 1888].

I.

This Society shall be called

THE AMERICAN SOCIETY OF CHURCH HISTORY.

II.

Its object shall be the promotion of studies in the department of Church History.

III.

The officers shall be a President, four Vice-Presidents, a Secretary, and a Treasurer.

These officers and four other members shall constitute the Council, of which five shall be the quorum.

IV.

The duties of the persons just named shall be respectively as follows:

The President, or in his absence a Vice-President, shall preside at all the meetings of the Society. In the absence of these officers, the Society may choose a temporary president from the members present.

The Secretary shall notify the members at least two weeks in advance of each meeting, keep the minutes, and conduct the correspondence of the Society under the direction of the Council.

The Treasurer shall send bills regularly to all annual members, take charge of the funds of the Society, and invest and disburse them under the direction of the Council.

The Council shall be charged with the general interests of the Society, including the election of members, the calling of meetings, the selection of papers, and the determination of what papers shall be published, and the auditing of the Treasurer's accounts.

V.

The Council and all the other officers shall be elected at the annual meeting. But the Council may fill vacancies until the next annual meeting.

VI.

Any person approved by the Council may become a member of the Society upon the payment of an initiation fee of $5.00, and continue a member by paying after the first year an annual fee of $3.00. On payment of fifty dollars at any one time any member may become a life-member exempt from fees.

VII.

One copy of each of the publications of the Society, issued after their election, shall be sent to all honorary and life-members, to all annual members not in arrears for more than two years, and to all libraries subscribing $3.00 annually.

VIII.

Persons not residing in America may be elected honorary members.

IX.

The Society shall meet annually at such time and place as the Council may determine. Special meetings may be called at the discretion of the Council. Ten members shall constitute a quorum for the transaction of business, but a smaller number may sit for the purpose of hearing and discussing papers presented.

X.

This Constitution may be amended by a two-thirds vote at any annual meeting, provided that notice of such amendment shall be given at the preceding annual meeting, or the amendment itself shall be approved by the Council before the meeting at which it shall be voted upon.

THE FIRST ANNUAL MEETING OF THE AMERICAN SOCIETY OF CHURCH HISTORY.

REPORT OF THE SECRETARY.

THE FIRST ANNUAL MEETING OF THE AMERICAN SOCIETY OF CHURCH HISTORY.

REPORT OF THE SECRETARY.

The Society met in the city of Washington, D. C., on Friday, Dec. 28, 1888, in the chapel of the Church of the Covenant, Connecticut Avenue, corner N and 18th Street, by the kind invitation of the pastor, the Rev. Dr. Teunis S. Hamlin. There were two sessions—at 11 A.M. and at 3 P.M. Dr. Schaff, the President, presided at both. The first was opened with prayer by Rev. Dr. Hamlin, and the second with prayer by Rev. Prof. Dr. Scott.

Dr. Schaff made a brief address in the morning, in which he set forth the scope of the Society and its method of working. It was formed for the purpose of cultivating church history as a science, in an unsectarian, catholic spirit, and for facilitating personal intercourse among students of history as a means of mutual encouragement.

After the Secretary had made his report on the meeting of organization, and as Treasurer *pro tempore* on the state of the finances, Dr. Schaff read the first paper of the meeting: "Toleration Edicts and the Progress of Religious Freedom from A.D. 313 to 1787." He began by defining Toleration and Liberty in religion, and showed their difference. The former implies more or less censure or disapproval, while the latter is a natural, fundamental, and inalienable right of every man. The first Toleration Edict was by Galerius, A.D. 311, and that of Constantine, A.D. 313, which goes further, is one of the mile-posts in the course of freedom (the text of the latter is given in the Appendix). But toleration of the Christians was succeeded by intolerance by the Christians, and this lasted all through the middle ages, and

is defended by the present pope. The Protestants were the authors of toleration. This is shown by the treaties of Augsburg, Westphalia, and the course of modern Prussia and the German Empire. France, too, under Henry IV., came into the column of progressive states by reason of the Edict of Nantes in 1598. But Louis XIV. persecuted the Huguenots, and finally revoked the Edict, Oct. 22, 1685, thereby driving out one of the finest elements of his people and greatly enriching his neighbors. The verdict of history upon this act is unfavorable to the sagacity, let alone the mercy, of the "grand monarch." But although so sorely oppressed, the Protestant cause won toleration under Louis XVI. in 1787; and in 1789, 1793, 1802, and subsequent dates other acts were passed, so that now Protestants enjoy considerable religious liberty, although their synods are still unofficial and without legislative authority. The story of toleration in England presents a steady progress. The Act of Toleration of 1689, under William III., was a concession made by Episcopalians to *orthodox* Protestant Dissenters, but excluded Roman Catholics and heterodox Protestants. It was preceded by many acts of intolerance, from the persecution of the Lollards to the Five Mile Act of 1665, and was itself a result of the overthrow of the Stuart dynasty, which was essentially Roman Catholic in its sympathies. Passing to America, we pass into a freer air. There was some intolerance in New England and in the Southern provinces. But the movement for religious freedom by separating Church and State began nearly simultaneously in Virginia, New York, and Pennsylvania soon after the Declaration of Independence, and the first Amendment to the Federal Constitution guarantees it by severing the Church from the State, and establishing the American system of a free Church in a free State. The history of the practical effects of this legislation demonstrates its wisdom.

(To the paper as printed are appended the following Documents: 1. The Toleration Edict of Constantine the Great; 2. The Edict of Nantes, 1598; 3. The Edict of Revocation

by Louis XIV., A.D. 1685; 4. The Edict of Potsdam, issued by Frederick William, Elector of Brandenburg, Oct. 29, 1685; 5. The Toleration Act of 1689; 6. The American Provision for Religious Freedom.

Dr. Schaff's paper was briefly discussed by the Hon. Justice Strong and Rev. C. Herbert Richardson, of McKendee Church, Washington.

The second paper was by Mr. Henry Charles Lea, of Philadelphia, and entitled "Indulgences in Spain."

After referring to the authentic material existing in Spain for the elucidation of the questions connected with indulgences, owing to the survival there of mediæval beliefs and customs, the author points out that much of the controversy which has arisen on the subject is due to contradiction between the teachings of the Church and its current practice. This is illustrated with specimens of various indulgences granted both to the living and the dead, remitting the pains of purgatory for a fixed price, and their bearing upon the several points at issue is discussed. The history of indulgences in Spain is then taken up. These are represented by a grant, known as *la santa Cruzada*, made to the Spanish kings, of the privilege of selling indulgences, ostensibly to aid them in their struggles with the Infidel. The system became a permanent one, interrupted only by wars between Spain and the papacy, until, in 1567, Pius V., who was resolved to suppress the abuses of indulgences, which he recognized as having occasioned the Reformation, refused to continue the grant, and endeavored without avail to prevent the Spanish bishops from substituting Episcopal indulgences for papal ones. In 1570, however, in order to induce Philip II. to join the league against the Turks, which resulted in the battle of Lepanto, he yielded and renewed the grant, under the stipulation that the preachers who sold the indulgences should no longer be paid by a commission on their sales. About the same time the share of the proceeds allotted to the Holy See was increased. The same system

is shown to be followed in Portugal. The various indulgences and dispensations comprised in the *Cruzada* are then enumerated, with their respective prices in Spain and among the Indians of the Colonies. The complicated organization required for the business is described in all its details, and the methods employed in printing and distributing the "bulls" and collecting the proceeds, as provided for in the official documents of the seventeenth century. The profits of the business, which formed the surest portion of the Spanish revenue, are stated and compared with the total income of the crown and its share of the wealth of the Indies. The abuses attendant upon it then receive attention, the unscrupulous methods used to compel the people to buy the indulgence, and the rigor employed to enforce payment from the poor who were induced to purchase on credit. After the failure of Pius V. to put an end to the *Cruzada*, it was regularly renewed for terms of six years by successive popes, without interruption, until in 1718 Clement XI. suspended it in consequence of the attempt of Philip V. to regain the former Italian possessions of Spain; but on Philip's submission it was renewed in 1720. Some change in the administration was made by Ferdinand VI. in 1750, and it thus continued until the upheaval of the Napoleonic wars. In the reactionary period which followed, Leo XII. re-established it, and it has been continued by his successors down to the present day. The indulgences sold are virtually the same as those of the sixteenth century; the price of that which releases a soul from purgatory is about fifteen cents, and the same for the living common people, while for nobles it is seventy-five cents. The annual revenue from this source is estimated at 3,000,000 pesetas, or about $600,000, subject to a deduction of eleven per cent. for expenses of administration, showing a probable yearly sale of about three millions and a half of indulgences. The proceeds form part of the national budget and are applied to the maintenance of divine worship, except the portion which the pope requires to be placed at his disposal.

The third paper, with which the morning session concluded, was read by Rev. Prof. Dr. James C. Moffat, of Princeton, and was entitled, "A Crisis in the Middle Ages." The points he made were: 1. The tenth century and greater part of the eleventh made one dark, stormy, and dismal night. 2. The twelfth and thirteenth were one cheerful dawn, progressive toward the fourteenth century. And the fourteenth was the early morning of the Reformation, as in England, Bohemia, and the Netherlands. 3. The crisis which lay between that night and that dawning was the pontificate of Urban II. And the influence, whereby it operated, was the supremacy it yielded to Christ.

The first paper of the afternoon session was read by Rev. Prof. Foster, of Oberlin, O., on "Melancthon's Synergism: A Study in the History of Psychological Dogmatics." He showed the dependence of Melancthon upon Luther, and that Luther's theory of the Will and of Conversion was absolute determinism, springing from a religious motive. Melancthon begins at the same point. He modifies by successive steps his psychology till it provides a place for the Freedom of the Will. At the same time he weakens the doctrine of Predestination till it is almost entirely removed from his system. He introduces also statements as to the relation of the Will and Grace in conversion which, obscured by his failure to designate sharply the subject treated (viz., the man already awakened by the Spirit), have often been taken to indicate that he put the Will and the Spirit of God upon an equality in this matter. But he subsequently emphasized more clearly what he originally intended to teach, viz., that the sole initiative lies in divine grace.

The second paper was read by Rev. Prof. Dr. Scott, of Chicago, and was entitled, "Notes on Syncretism in the Christian Theology of the Second and Third Centuries."

This paper showed that the History of Doctrine is not an unbroken continuation of New Testament Theology; Pauline theology had wellnigh disappeared in the second century, being succeeded by a moral view of Christianity; only the ideas of the Gospel as for all men, the acceptance of the Old

Testament as Scriptures, and the deliverance from the letter of Mosaic ritualism, remained prominent from Paul's teaching; the Gentile churches never thoroughly grasped Pauline theology; their familiarity with Greek theories of virtue and religion led them to a legal view of Christianity as a life of uprightness, looking to a reward; Hellenitic Jews, converted to Christ, were an important factor in bringing this moralism into the Church.

The creeds of the Early Church started from Matt. xxviii., 19, and the theology of the Early Church from Matt. xvi., 15; at first there was a simple, baptismal Rule of Faith, the outline of the Apostles' Creed; then arose, with the Apologists, who were converted philosophers, theological statements of belief; these statements had the forms of Greek philosophy, and brought not a little philosophy into the faith of the Church; this element came directly from Greek philosophers, and indirectly through Philo and Hellenist Jews; Justin Martyr summed up Christianity in worship of the true God, a life of virtue, and belief in eternal reward; the Christian theology of redemption was made a theology of God and the universe; the two lines of development, of a simple Rule of Faith, and of a philosophic framing of dogmas, went on parallel until the former passed into the latter in the third century, chiefly through the influence of Origen; a reaction came at Nicæa, when through Athanasius a Logos of Salvation again took the place of a cosmological Logos, and a theology of redemption was again presented by the Church.

The third paper was read by Rev. Prof. Richardson, of Hartford, and was entitled, "The Influence of the Golden Legend on Pre-Reformation Culture History."

The object of the essay is, from the circumstance that various mediæval phenomena are accounted for by the fact of the Golden Legend, to suggest the need of taking note of literary factors among historical influences, and the need of a scientific groundwork for estimating that influence in the collection of actual data as to number and distribution of MSS. or the number and size of the editions of a work.

The Golden Legend of Voragine, written about 1270, had an extraordinary popularity. There are extant from two to three hundred MSS. The first printed edition was in 1472, and there were nearly one hundred and fifty editions within little more than fifty years from that time. It forms the chief or only source of innumerable other works, and became the main, popular, literary influence of the late mediæval period.

It consists of legends of the saints with their deeds and especially temptations, filled thus with conceptions which prevailed in all phases of life in the later period, and of the prevalence of which it was a chief cause.

The fact of the influence is tested by following minutely one point. Singling stories of compacts with Satan, narrowing to written compacts, and again to compacts in blood, the influence of the Legend is shown to be very persuasive, in that features peculiar to Voragine are prevalent in subsequent stories.

The fact traced in analysis is illustrated again by a general observation—its influence on the forms of art, as seen in the subjects and details of treatment of the Masters.

Its influence in these things suggests its wide influence in all forms of the Pre-Reformation Culture History.

The Secretary then read a note setting forth the lack of a complete history of missions; and was followed by Rev. Mr. McGiffert, of Lane Theological Seminary, Cincinnati, Ohio, who read a discussion of Eusebius, *H. E.*, III., 25. This is the only passage in which Eusebius treats the canon systematically, and in it he is speaking as a historian, not as a critic. The church whose judgment he records is, in the main, the church of the Orient, and in that church in his time all the books (and only those) which we now call canonical were already commonly accepted, or were becoming more and more widely accepted as such. From the standpoint of canonicity, Eusebius divides the works which he mentions into two classes—canonical (including the *homologoumena* and the *antilogomena*), and uncanonical (including the νόθοι and the ἀναπλάσματα αἱρετικῶν ἀνδρῶν). But the νόθοι are connected more closely with the *homologoumena* and the

antilogomena than with the heretical works. Their relation to the *antilogomena* seems to be as follows: the *antilogomena* were at this time commonly accepted as canonical, though they had not always been so accepted; the tendency was distinctly toward their ever wider acceptance. The *νοθοι* had formerly been associated with the books of Scripture, and even quoted some of them as *γραφη*, but were at this time not commonly accepted as canonical. The tendency was distinctly toward their ever wider rejection from the canon. The term *νόθοι*, then, as used here by Eusebius, means uncanonical, not unauthentic or spurious.

Eusebius' treatment of the Apocalypse is explained by this theory, and in turn supports the theory. It is put among the *homologoumena* and *νόθοι*, instead of among the *homologoumena* and *antilogomena*, because it could not possibly be classed with the latter, which included such works as were growing more, rather than less, canonical, while, if it should have to be thrown out of the *homologoumena*, it would fall naturally among the *νόθοι*, which were works formerly accepted, but now rejected.

The Epistles of Paul, mentioned by Eusebius, include the Epistle to the Hebrews. The Epistle of Clement to the Corinthians is omitted by mistake.

Finally, Eusebius classifies the works mentioned not only according to canonicity, but also according to character; dividing them into orthodox (the *homologoumena*, *antilogomena*, and *νόθοι*), and heterodox.

The sessions were attended to a gratifying extent by the Washington public.

Aside from the papers, some business was transacted. A committee of conference, consisting of Drs. Schaff and Baird and the Secretary, was appointed to meet a similar committee from the American Historical Association to discuss the proposed affiliation of the two Societies.

The following persons were declared duly elected members of the Society:

HONORARY MEMBERS.

For the British Isles: Right Rev. Dr. Joseph Barber Lightfoot, Lord Bishop of Durham; Rev. Dr. Mandell Creighton, Dixie Professor of Ecclesiastical History, Cambridge; Rev. Dr. Edwin Hatch, Professor of Ecclesiastical History, Oxford; Rev. Prof. Dr. Alexander Ferrier Mitchell, Professor of Ecclesiastical History, St. Andrews.

For France: Baron Fernand de Schickler, President of the Société de l'histoire du protestantisme français, Paris; Rev. Eugene Bersiér, Paris; Rev. Dr. Edmond Pressensé, Paris.

For Germany: Prof. Dr. Adolph Harnack, Berlin; Prof. Dr. Theodor Brieger, Leipzig; Prof. Dr. Hermann Reuter, Göttingen.

For Italy: Rev. Prof. Dr. Emilio Comba, Professor of Historical Theology in the Waldensian College, Florence.

For Norway: Rev. Prof. Dr. Carl Paul Caspari, Christiania.

Active members (added since the first printed list): Rev. Bishop John Fletcher Hurst, D.D., LL.D., Washington, D. C.; Rev. Teunis Slingerland Hamlin, D.D., Washington, D. C.; Rev. Prof. Dwight W. Learned, Kioto, Japan; Rev. Isaac Ogden Rankin, Gloversville, N. Y.; Rev. Arthur Cushman McGiffert, Cincinnati, Ohio; Mr. Thomas Edward Vermilye Smith, New York City.

The following persons were elected the officers of the Society for 1889.

President: Rev. Philip Schaff, D.D., LL.D.

Vice-Presidents: Rev. Henry Martyn Baird, D.D., LL.D.; Rev. Bp. John Fletcher Hurst, D.D., LL.D.; Rt. Rev. Arthur Cleveland Coxe, D.D., LL.D.; Rev. Henry Martyn Dexter, D.D.

Secretary: Rev. Samuel Macauley Jackson.

Treasurer: Col. Elliott Fitch Shepard.[1]

Council: Rev. Daniel Dorchester, D.D.; Rev. George Park Fisher, D.D., LL.D.; Rev. Charles Augustus Briggs, D.D.; Rt. Rev. William Stevens Perry, D.D., LL.D.

[1] Declined the election, Feb. 19, 1889.

On motion it was resolved that the President be authorized to draw upon the Treasurer for the proper expenses incurred by the Secretary in the interests of the Society, on the presentation of the bills; and that the Treasurer be authorized to pay the Secretary for his travelling expenses an amount not exceeding twenty-five dollars a year.

The thanks of the Society were unanimously given to Rev. Dr. Hamlin and the trustees of his church for their kindness in allowing the Society the gratuitous use of their chapel.

The Society then adjourned to meet at a time and place to be appointed by the Council.

SAMUEL MACAULEY JACKSON,

Secretary.

LETTERS FROM THE HONORARY MEMBERS.

The following replies have been received to the notification of election to honorary membership :

FROM BISHOP LIGHTFOOT.

SANDYKELD, BOURNEMOUTH, February 2, 1889.

AMERICAN SOCIETY OF CHURCH HISTORY :

Dear Sir : The Bishop of Durham thanks you most sincerely for the honor which has been done him by electing him an Honorary Member of the American Society of Church History, which contains the names of so many eminent theologians and historians.

He will look with great interest to receive the publications of the Society.

Unfortunately he has been entirely and absolutely prostrated with weakness of the heart for many months ; and though somewhat better he is unable as yet to hold a pen, much less take any part in the literary work which is so dear to him.

This will account for the fact that he answers your letter by deputy.

Yours very truly,

J. R. HARMER, *Chaplain.*

REV. S. M. JACKSON.

FROM PROF. DR. CREIGHTON.

LANGDALE LODGE, THE AVENUE, CAMBRIDGE, January 26, 1889.

DEAR SIR : Will you convey to the members of the American Society of Church History the assurance of my sense of the great honor which they have conferred upon me by electing me an honorary member of their body? I should like to add an expression of my own conviction of the great usefulness of such a Society. Many people regard Church History as a field for

polemics. Any organized attempt to claim for it a scientific value, and to direct those who pursue it towards truly *critical* methods, is likely to promote the interests alike of truth and charity. Europe is already under great obligations to America for the impartial spirit in which many of her writers have approached the subject; and I trust that the new Society will soon be in a position to add to these obligations.

If at any time I find it in my power to send you a paper I shall be very proud to do so. Yours faithfully,

M. Creighton.

The Rev. S. M. Jackson.

From Baron SCHICKLER.

17 Place Vendôme, Paris,
le 27 Janvier, 1889.

Monsieur le Secrétaire: En recevant le notification de l'honneur qu'a bien touche me conférer l'American Society of Church History, mon premier sentiment est de m'en reconnaitre complétement indigue, car je cherche vainement dans le peu de travaux que j'ai publiés ce qui a pu me valoir un distinction de ce genre.

Je ne me considère cependant pas le droit de le refuser, puisque j'y trouve de votre part un témoignage de sympathie et d' intérêt pour notre histoire du Protestantisme français, et comme un lien entre deux Sociétés qui, dans du champs d'action diffèrents, ont une aspiration identique, cette d'étudier et de mieux faire connaître l'œuvre de Dieu dans le monde et dans l'Eglise.

Je recevrai et lirai avec un réel plaisir les savants Mémoires dont vous m'annoncez l'envoi. . . .

Bn. F. de Schickler,
Président de la Société de l'Histoire du Pme. français.

From Senator PRESSENSÉ.

Sénat, Paris, le 12 fevrier, 1889,
7 Rue du Val de Grace.

Mon cher Monsieur: J'accepte avec reconnaissance l'honneur que vous me faites, au nom de *l'American Society of Church History*, en me communiquant ma nomination de membre correspondant.

Je l'accepte avec reconnaissance, surtout par la perspective de profiter de ses travaux.

Veuillez, très-honoré Monsieur, transmettre l'expression de ma gratitude à votre honorable société et croire à mon sincère dévouement.

E. de Pressensé, Dr. Th.
Sénateur.

From Rev. EUGENE BERSIER.

Paris, 216, Boulevard Pereire,
le 6 fevrier, 1889.

Rev. Samuel M. Jackson,
Secretary of the American Society of Church History.

Honoré et cher Monsieur : J'ai reçu la lettre par laquelle vous voulez bien m'annoncer que *l'American Society of Church History*, dans sa première réunion du 28 Décembre 1888, m'a fait l'honneur de me conférer le titre de membre honoraire.

La liste des Membres que vous avez eu la bonté de m'envoyer me montre en quelle honorable compagnie je serai appelé à siéger, et je suis profondément touché de cette nomination qui m'associe à tant d'hommes qui sont au premièr rang dans les églises d'Amerique, et dont plusieurs ont deja rendu des services éminents à la cause de la science historique et de la défense de la vérité.

Je recevrai, avec une vivè gratitude, les publications de la Société.

Agréez l'expression de mes sentiments de profond respect et d'entier dévouement.

Eug. Bersier.

From Prof. Dr. HARNACK.

Berlin, W. Hohenzollernstrasse, 22,
29 Januar, 1889.

Hochgeehrter Herr : Für die hohe Ehre, die mir die "American Society of Church History," durch die Ernennung zum "honorary member," erwiesen hat, spreche ich meinen verbindlichsten Dank aus. Möge die Gesellschaft unter Gottes Segen der Wissenschaft reiche Früchte bringen, möge sie ein Band der Gemeinschaft zwischen den Gelehrten werden.

Ich werde mit Freuden die Publicationen der Gesellschaft begrüssen und jeden Amerikanischen Studirenden der Kirchengeschichte als Freund empfangen, beglückt, wenn es mir vergönnt ist, ihm nützlich sein zu können.

In vorzüglicher Hochschätzung,
Ihr ergebener
ADOLPH HARNACK.

FROM PROF. DR. REUTER.

GÖTTINGEN, den 5 Februar, 1889.

HOCHGEEHRTER HERR: Ihr gefälliges Schreiben von 18 Januar, 1889, habe ich erhalten. Ich danke ganz ergebenst für die Ehre welche mir die American Society of Church History erwiesen hat, indem sie die Güte hatte, mich zum Ehrenmitglied derselben zu erwählen.

Ich nehme diese Ehre in aller Dankbarkeit an.

Verehrungsvoll und ergebenst,
D. REUTER,
Abt zu Bursfelde,
Consistorialrath und ordentlicher Professor der Theologie an der Königlichen Universität.

FROM PROF. DR. COMBA.

FIRENZE, 51 VIA DEI SERRAGLI, 29, 1, '89.

REV. SIR AND BROTHER: The notice you give me has surprised me, and I needed time to realize it before answering. I am afraid that your deliberation concerning me is an illustration of the sentence: Major e longinquo reverentia. It is not the first time I remark that I am indebted to the Channel for something. Well, coming to the point: I accept thankfully the honor conferred upon me, hoping that it will prove useful to the cause of the Gospel in Italy. I thank the honorable Society for the promised publications, and ask to know how I can practically testify my gratitude and good will.

I am and remain, sir,

Yours in Jesus Christ,
EM. COMBA.

FROM PROF. DR. CASPARI.

CHRISTIANIA, [NORWAY] February 7, 1889.

DEAR SIR: You have had the kindness to inform me that the American Society of Church History has elected me an honorary member. This election, coming from so many distinguished men, is indeed a very great honor for me, a much greater one than I have merited by my labors, the imperfection of which I am very well conscious of. Accepting the honor conferred on me, which I appreciate very highly, with deep thankfulness, I allow myself to add to my thanks the hearty wish, that the "American Society of Church History" may flourish and increase, and bear many excellent fruits for the Church of Christ and for Science.

Yours most respectfully,

PROF. DR. C. P. CASPARI.

FROM REV. PROF. DR. A. F. MITCHELL.

UNIVERSITY, ST. ANDREWS, N. B.,
9 March, 1889.

THE REV. S. M. JACKSON,

REV. AND DEAR SIR: Please accept my best thanks for your kind favor intimating that the American Society of Church History had at their first meeting done me the great honor to elect me an honorary member of their Society.

Perhaps it may interest the members of the Society to know that I have just heard through Mr. Reginald Poole, that Mr. Mencik, of the Royal Library at Vienna, has found among the Hussite MSS. there a translation in the Czech language of four letters written by a Scotch Hussite or Wyclifite in the first quarter of the 15th century. The name of the writer is Quintynus Folkshyerde, *i. e.* Quintyn Shepherd of the people, and the letters are addressed to the bishop of Glocoveskerna (Glasgow ?) and the people of Scotland, to the nobility, to the priests, and to his own parish priest. Mr. Poole has promised to send on to Scotland the copy of the Czech letters which Mr. Mencik has promised him, and we shall try to get some of our friends in the Bohemian Church to translate them into English for us. I shall send you by book-post a few copies of the "Livre des Anglois," which you can give to some of your members who may not get the volume of the proceedings of the recent Presbyterian Council.

Believe me yours ever faithfully,

ALEX. F. MITCHELL.

FROM PROF. DR. THEODOR BRIEGER.

LEIPZIG den 11 März, 1889.

HOCHGEEHRTER HERR: Ich benütze, nachdem ich in den letzten Wochen durch die Examina stark in Anspruch genommen war, den ersten Tag nach Beendigung derselben, um Ihnen und der gesammten "American Society of Church History" meinen aufrichtigen und warmen Dank auszusprechen für die grosse Ehre, welche Sie mir durch die Ernennung zum Ehrenmitgliede der Gesellschaft erwiesen haben. Ich weiss diese Ehre vollauf zu würdigen. Brauche ich doch nur meine geringen literarischen Verdienste abzuwägen gegen die hervorragenden Leistungen Ihres gegenwärtigen Herrn Präsidenten und so mancher anderen Herrn, deren auch bei uns bekannten und geschätzten Namen die Liste der Mitglieder aufweist.

Meinen Dank aber hoffe ich Ihnen durch die That abzustatten, so Gott will, durch Arbeiten, welche meiner Ehrenmitgliedschaft nicht zur Unehre gereichen sollen.

Zugleich aber kann ich nicht umhin, meiner Freude über die Gründung Ihrer Gesellschaft Ausdruck zu geben. Denn ich zweifle nicht daran, dass von ihr ein neuer kräftiger Anstoss ausgehen wird zur Pflege unserer Fachwissenschaft. Möge durch Gottes Gnade jeder Fortschritt derselben auch unserer teuren evangelischen Kirche ein Segen sein!

Mit ausgezeichneter Hochachtung,

Ihr ganz ergebener

D. THEODOR BRIEGER.

THE PROGRESS OF RELIGIOUS FREEDOM

AS SHOWN IN THE

HISTORY OF TOLERATION ACTS

THE PROGRESS OF RELIGIOUS FREEDOM

AS SHOWN IN THE

HISTORY OF TOLERATION ACTS

By Rev. PHILIP SCHAFF, D.D.,

Professor of Church History, Union Theological Seminary, N. Y.

CHAPTER I.

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TOLERATION AND LIBERTY.

An Edict or Act of Toleration is a grant of the civil government, which authorizes religious societies dissenting from the State religion to worship according to the dictates of conscience without liability to persecution. Such an Edict always presupposes a religion established by law and supported by the State, and the right of the State to control public worship. Toleration may proceed from necessity, or from prudence, or from indifference, or from liberality and an enlarged view of truth and right. It may be extended or withdrawn by the government; but it is usually the entering wedge for religious liberty and legal equality.

There is a wide difference between toleration and liberty. The one is a concession, the other a right; the one is a matter of expediency, the other a principle; the one is a gift of man, the other, a gift of God.

Toleration implies more or less censure or disapproval. We tolerate or endure what we dislike but cannot prevent. The most despotic governments are tolerant towards subjects who are too numerous or too useful to be killed or exiled. Russia tolerates Romanists, Protestants, Jews, and Mohammedans; Turkey tolerates "Christian dogs," and likes them to prey upon each other; but woe to him in either country who apostatizes from the State religion, or

attempts to induce any member of the same to apostasy. "Toleration is first sought and granted as a favor, then demanded and conceded as a right, and at last spurned as an insult." In a free country nobody wants to be tolerated for his religious opinions or sacred convictions.

Religious liberty is a natural, fundamental, and inalienable right of every man. It is founded in the sacredness of conscience, which is the voice of God in man and above the reach and control of human authority. There is a law above all human laws. It is written not on parchment and tables of stone, but on the heart of man by the finger of God. It is that law which commands with the categorical imperative, and which filled the philosopher Kant with ever-growing reverence and awe. "We must obey God more than man." He and he alone is the author and lord of conscience, and no power on earth has a right to interpose itself between them. "Every man stands or falls to his own lord." Liberty of conscience requires liberty of worship as its manifestation. To grant the former and to deny the latter is to imprison conscience and to promote hypocrisy or infidelity. Religion is in its nature voluntary, and ceases to be religion in proportion as it is forced. God wants free worshipers, and no others.

Toleration is an intermediate state between religious persecution and religious liberty. Persecution results from the union of Church and State; toleration, from a relaxation of that union; full religious liberty and legal equality requires a peaceful separation of the spiritual and secular powers.

The theory of mediæval Europe was intolerance and persecution; the theory of modern Europe is toleration; the theory of North America is religious liberty and equality. The papal Church is constitutionally exclusive and intolerant, and treats every departure from it as damnable heresy and schism. On the Continent a distinction is made between official Churches and tolerated Sects; in England, between the Established Church and societies of Dissenters. In the United States all forms of Christianity are equal before the law, and there is no distinction between Churchmen and

Sectaries or Dissenters. All enjoy the full right of self-government, and the protection of the laws of the land.

European toleration is irresistibly tending to American liberty, or to such an adjustment of the relation of Church and State as will guarantee freedom and independence to each in its own sphere, the one in the spiritual, the other in the temporal; while both have a common interest in promoting the moral purity and integrity of the people.

Religious liberty, like civil liberty, the liberty of speech, the liberty of the press, and every other liberty, is liable to abuse and consequent punishment. Every man's liberty is limited by the golden rule, not to do unto others what we would not have them do unto us. Nobody has a right to trespass on the rights of his neighbor, or to do wrong. The legal maxim is: "*Sic utere tuum, ut alienum non lædas.*" A State cannot control private opinions, but may forbid and punish overt acts of a religion which disturbs the peace of society, and undermines the moral foundations on which government rests. The Congress of the United States has forbidden polygamy in the Territories, which is a part of the Mormon religion, and would forbid licentious rites, bloody sacrifices, and other criminal acts practised in the name of religion. But all Christian churches which accept the Bible, teach the Ten Commandments, and enjoin love to God and man, are compatible with, and promotive of, the welfare of society, and make good citizens by making good Christians. A government consults its own interest by protecting all and persecuting none.

Liberty will be abused to the end of time. But no amount of abuse can abolish the right use. The same sun which spreads light and life promotes decay and death. No book is more abused than the Bible, and yet it will ever be the Book of books. So religious liberty remains the most precious of all liberties, and the strong foundation of all other liberty.

CHAPTER II.

THE TOLERATION EDICT OF CONSTANTINE THE GREAT. A.D. 313.

Toleration Edicts mark the epochs in the history of religious freedom. Under this view we shall consider them.

Persecution of Christianity.

For three hundred years Christianity had to struggle for a legal existence in the old Roman Empire, which adopted the policy of a limited toleration to the religions of conquered nations, and granted the same to Christianity as long as it was regarded as a sect of Judaism, but refused it as soon as it became known in its true character as a new religion aiming at universal dominion. Hence the long series of persecutions which fill the pages of the heroic age of Christian martyrdom.

The last and fiercest of these persecutions was the Diocletian, which aimed at the utter extermination of the Christian religion, with its leading men and sacred books, from the face of the earth. But this desperate struggle ended in the destruction of Paganism and the triumph of Christianity.

Toleration Edict of Galerius. A.D. 311.

After the government had exhausted its efforts, Galerius, the real author of this persecution, issued from Nicomedia in 311, together with Constantine and Licinius, an Edict of Toleration, which acknowledged the failure of the persecution, and permitted the Christians to hold their assemblies, with the direction that they should pray to their God for the welfare of the Emperors and the State. The Edict insulted

the Christians, and yet asked their support in saving the tottering empire from ruin. It was merely negative, but it stopped persecution and prepared the way for the great change which soon took place under Constantine.

The Toleration Edict of Constantine. A.D. 313.

A few months after his victory over the persecuting pagan, Maxentius, at the Milvian bridge near Rome, in October, 312, Constantine the Great issued, in connection with Licinius, an Edict of Toleration from Milan, which marks the transition from the hostile neutrality of Galerius to friendly neutrality and official protection.[1]

This famous Edict changed the current of history. It breathes the air of pantheistic syncretism. Constantine, whatever we may think of the miracle, or vision, or dream of the cross in the skies with its prophetic inscription, was at that time already half a Christian, or on the way from the worship of Apollo to the worship of Christ, although he put off baptism to his deathbed twenty-four years later; Licinius was a heathen, and afterwards renewed the persecution of the Christians in the East; both agreed in the wise policy of conciliation, by which they hoped to win the support of all religions in the empire. But the most remarkable feature of the Edict, as compared with similar Edicts of later times, is its advanced position. It anticipates in several passages the modern theory of religious liberty. It recognizes and grants to every man the right to choose his religion and mode of worship, according to the dictates of his own conscience.

The same idea had been previously expressed by several ante-Nicene fathers, as Justin Martyr, Tertullian, and Lactantius, and was repeated by Nicene fathers in the times of Arian persecution. Tertullian says to the heathen Proconsul of Carthage[2]: "We are worshipers of one God, of whose existence and character nature teaches all men; at whose lightnings and thunders you tremble, whose benefits minister to your happiness. You think that others, too, are

[1] See Document I.

[2] *Ad Scapulam*, cap. 2.

gods, whom we know to be demons. However, it is a fundamental human right, a privilege of nature, that every man should worship according to his own convictions.[1] One man's religion neither harms nor helps another man. It is assuredly no part of religion to compel religion to which free-will, and not force, should lead us; the sacrificial victims even being required to be of a willing mind. You will render no real service to your gods by compelling us to sacrifice. For they can have no desire of offerings from the unwilling." A hundred years later, Lactantius, a contemporary of Constantine the Great, and teacher of his eldest son Crispus, addresses the heathen in the same spirit: "There is no occasion for violence and injury, for religion cannot be imposed by force; the matter must be carried on by words rather than by blows, that the will may be affected. . . . If you wish to defend religion by bloodshed and by tortures and by guilt, it will no longer be defended, but will be polluted and profaned. For nothing is so much a matter of free-will as religion; if the mind of the worshiper is disinclined to it, religion is at once taken away, and ceases to exist." [2]

Under the influence of the Edict of Constantine, Christianity made very rapid progress, for it commended itself to the conscience and reason of man, and had far more vitality than any other religion. Heathenism would have died a natural death without any prohibition. This was shown by the utter failure of the Emperor Julian's efforts to revise and restore it to its former power.

Transition to Christian Intolerance.

But the Edict of Constantine was only a short transition to a new order of things. Christianity exchanged place with heathenism. It became the religion of the State, and entered into possession of all the privileges of imperial protection at the expense of internal independence. The Emperor ceased to be Pontifex Maximus of idolatry, but

[1] "*humani juris et naturalis potestatis est unicuique quod putaverit colere.*"—Comp. his *Apology*, cap. 24.

[2] *Instit. Div.*, L. V., cap. 20.

assumed the authority of sovereign bishop of the external affairs of the Catholic Church. He now persecuted the followers of the old faith, as his predecessors had persecuted the followers of the new faith. Christian intolerance took the place of heathen intolerance, and even surpassed it in extent and vigor; for it aroused deeper passions both of love and hatred, and made heaven and hell depend upon the acceptance or rejection of the ruling faith. Penal laws were enacted against idolatry and heresy, and justified by the Mosaic legislation, without considering that this legislation was temporary and national, and abolished by Christ, whose teaching and example contradict the theory of persecution. Every open departure from the Catholic orthodox State-religion was punished first by civil disabilities, confiscation, deposition, and exile, and at last by death. Heresy was persecuted even before the heathen temples were disturbed. Constantine banished the Arian bishops as soon as the Council of Nicæa had condemned their doctrine. Arian emperors did the same when they were in power. After the Arian ascendancy and the short-lived reaction of heathenism under Julian the Apostate, the Nicene orthodoxy achieved a final victory under Theodosius the Great (381). He began the penal legislation against heresy, and Justinian completed it. From the Justinian Code it passed into the legislation of the German Empire and other States of Europe.

The union of Church and State which began with Constantine the Great, benefited the Church in many ways, enlarged her influence and facilitated the Christianization and civilization of the barbarian races of the Middle Ages, but it exposed her also to all the risks and abuses of wealth and power, and conformed the kingdom of Christ, which is a kingdom of love and peace, to the kingdoms of this world.

CHAPTER III.

MEDIÆVAL INTOLERANCE.

During the whole of the Middle Ages the principle of ecclesiastical exclusiveness and intolerance reigned supreme under the direction of the papacy. Christianity was identified with the visible Church, the Church with the papacy, and out of this Church there was thought to be no salvation. Christian heresy took the place of heathen idolatry in the Mosaic legislation, and was treated in the same way as the greatest of sins, as soul-murder, which is worse than literal murder. To punish heresy was a duty and a charity, since the temporal death of the heretic may save him from eternal death. The great and good Augustin of Hippo, who himself had been a Manichæan heretic for nine years, and in his earlier writings favored toleration, changed his view during the controversy with the fanatical Donatists, and gave the weight of his name to the theory of charitable compulsion, which he based on the words of the parable, "Compel them to come in" (Luke 14: 23); but he held, on the other hand, the correct principle that "no man can believe against his will," and expressly discouraged the infliction of the death penalty on heretics. Thomas Aquinas, the standard theologian of the Middle Ages, went a step further and taught that heretics after due admonition should not only be excommunicated, but also put to death.

The first shedding of heretical blood in 385, caused an outburst of righteous indignation on the part of such saintly bishops as Ambrose of Milan and Martin of Tours, who refused communion with the persecuting bishops. But Pope Leo I. justified the act in 447, and Pope Innocent III.

exhorted to the crusade against the Albigenses in the South of France, in 1213. The Roman Catholic theory is this, that the Church herself does not persecute ("*Ecclesia non sitit sanguinem*"), she only excommunicates the heretic, and then hands him over to the civil power for temporal punishment. But she sanctions the penal laws against heresy, and thus makes herself *particeps criminis*. The Church uses the State as executor of her will, and enjoins upon it the punishment of heresy as a solemn duty.[1] Every offence against the Christian Church is, on Roman Catholic principles, also an offence against the Christian State. The papal bull of excommunication was followed by the ban of the Empire down to the time of the Diet of Worms, which outlawed Dr. Martin Luther, and condemned his books and person to the flames. The execution of the bull and the ban was only prevented by the irresistible progress of public opinion.

[1] Lea (*History of the Inquisition*, Vol. I., 215, *sq.*) says: "In the vast body of imperial edicts inflicting upon heretics every variety of disability and punishment, the most ardent churchman might find conviction that the State recognized the preservation of the purity of the faith as its first duty. Yet, whenever the State or any of its officials lagged in the enforcement of these laws, the churchman was at hand to goad them on. Thus the African Church repeatedly asked the intervention of the secular power to suppress the Donatists; Leo the Great insisted with the Empress Pulcheria that the destruction of the Eutychians should be her highest care; and Pelagius I., in urging Narses to suppress heresy by force, sought to quiet the scruples of the soldier by assuring him that to prevent or to punish evil was not persecution, but love. It became the general doctrine of the Church, as expressed by St. Isidor of Seville, that princes are bound not only to be orthodox themselves, but to preserve the purity of the faith by the fullest exercise of their power against heretics. How abundantly these assiduous teachings bore their bitter fruit is shown in the deplorable history of the Church during those centuries, consisting as it does of heresy after heresy relentlessly exterminated, until the Council of Constantinople, under the Patriarch Michael Oxista, introduced the penalty of burning alive as the punishment of the Bogomili. Nor were the heretics always behindhand, when they gained opportunity, in improving the lesson which had been taught them so effectually. The persecution of the Catholics by the Arian Vandals in Africa under Genseric was quite worthy of orthodoxy; and when Hunneric succeeded his father, and his proposition to the Emperor Zeno of mutual toleration was refused, his barbarous zeal was inflamed to pitiless wrath."

The Papal Theory.

The principle of intolerance is held by the Roman Church to this day. She claims the monopoly of Christian truth, and can tolerate no departure from it, but will punish it to the extent of her power. Liberal Catholics, in obedience to the better spirit of the age and the charitable instincts of the human heart, disown persecution and all civil punishments of spiritual offences, as belonging to a bygone age and inconsistent with the modern structure of society. But the official Roman Church does not and cannot give up the theory of intolerance without forfeiting her claim to infallibility. Every progress in favor of toleration and liberty during the last three centuries has been made in spite of her and against her express protest. She has repeatedly denounced toleration and reasserted the principle of intolerance, which implies persecution under favorable circumstances. And these declarations proceed from the highest seat of authority, whose decisions the Vatican Council of 1870 has made infallible and irrevocable.

Pope Gregory XVI., in an Encyclical of Aug. 15, 1832, identifies religious toleration with the liberty of error and indifferentism, and condemns it as "the most fruitful cause of evils with which the Church is at present afflicted," and goes on to say: "From this noxious fountain of indifferentism flows that absurd and erroneous opinion, or rather that form of madness, which declares that liberty of conscience should be asserted and maintained for every one. For this most pestilential error, that full and immoderate liberty of opinion, paves the way which, to the injury of sacred and civil government, is now spread far and wide, and which some with the utmost impudence have extolled as beneficial to religion."

The Papal Syllabus of 1864, issued by Pius IX., the first infallible Pope, condemns among the eighty errors of the age the following propositions, which are among the fundamental principles of the government of the United States:

"Every man is free to embrace and profess the religion which he believes to be true according to the light of reason." § III., 15.

"The Church ought to be separated from the State, and the State from the Church." § VI., 55.

"In the present day, it is no longer expedient that the Catholic religion shall be held as the only religion of the State, to the exclusion of all other modes of worship." § X., 78.[1]

The Encyclical "*Immortale Dei*" of Pope Leo XIII., concerning "the Christian Constitution of States," issued Nov. 1, 1885, is a moderate and prudent explanation, but not a retraction, of the doctrine of his predecessors; it expressly and approvingly refers to the Encyclical of Gregory XVI., of Aug. 15, 1832, and to the Syllabus of Pius IX., and adds: "From these decisions of the Popes it is clearly to be understood that . . . it is a crime of private individuals and a crime for States to make no account of the duties of religion, or *to treat different kinds of religion in the same way*. . . . The Church judges it not lawful that the various kinds of divine worship should have the same right as the true religion."

In a more recent Encyclical, "*Libertas præstantissimum naturæ donum*," issued June 20, 1888, the same Pope—one of the wisest, most moderate, and most liberal of modern times—reiterates the same doctrine even more strongly. He begins by praising liberty as the most excellent gift of nature, which belongs only to intellectual or rational beings, but he makes true liberty to consist in submission to the will of God, as expressed in an infallible Church with an infallible head. He expressly condemns what he calls the modern liberties (1) of worship, (2) of speech and of the press, (3) of teaching, and (4) of conscience, because they tacitly assume the absence of truth as the law of our reason, and of authority as the law of our will. He first caricatures or misstates the liberal theory, which he seems to know only in the form of infidel radicalism, and then denounces it. In the same document he incidentally calls the separation of Church and State "a pernicious maxim."[2] And he concludes: "From what has been said, it follows that it is in no way lawful to demand, to defend, or to grant, promiscuous

[1] See the Latin text in Schaff's *Creeds of Christendom*, pp. 217, 227, 232.

[2] "*Perniciosa sententia de rationibus ecclesiæ a republica disparandis.*"

freedom of thought, of speech, of writing, or of religion, as if they were so many rights which nature had given to man."

Cardinal Manning, in a preface to the English translation of this Encyclical,[1] fully approves of these sentiments, and predicts that "the Pontificate of Leo XIII. will be known in history as the time when, upon a world torn and tossed by anti-Christian and anti-social revolutions, the abundant seeds of Divine truths sown broadcast, revived the conscience of Christendom." He also predicts that the two Encyclical Letters to which we referred, "will be recorded as the pronouncements which have vindicated the political order of society from confusion, and the liberty of men from the license of liberalism." But we venture to say that Pope Pius IX. and Pope Leo XIII. have seriously injured the cause of the Roman Church by placing her in open antagonism to the irresistible progress of history, which is a progress of liberty. By declaring the separation of Church and State a "pernicious maxim," Leo XIII. has unwisely as well as unjustly condemned the Constitution of the United States, which makes such separation the law of the land, not from indifference or hostility to religion, but from respect for religion, and which secures to the Roman Catholic Church a greater amount of liberty and prosperity than she enjoys in Italy or Spain or Austria or France or Mexico or Brazil. The highest American dignitary of that Church, Cardinal Gibbons, of Baltimore, who attended the centennial celebration of the Constitution at Philadelphia, September, 1887, said in his letter of acceptance: "The Constitution of the United States is worthy of being written in letters of gold. It is a charter by which the liberties of sixty millions of people are secured, and by which, under Providence, the temporal happiness of countless millions yet unborn will be perpetuated." The same Cardinal, in a communication to the New York "Independent" of Nov. 29, 1888, thus eulogizes the condition of this

[1] Published in London, Burns & Oates, and in New York by the Cath. Pub. Society. The Latin text is printed in *Acta Sanctæ Sedis*, ed. by Pennachi and Piazzesi, Vol. XX., Rom. (S. C. De Propaganda Fidei), pp. 593–613.

free country as compared with others: "Assuredly we have many reasons to praise 'the Giver of all good gifts' for the blessings we enjoy as a nation and as individuals. We are in profound peace while other nations are preparing for war. We are enjoying unexampled prosperity while other people are struggling for the means of subsistence. Above all, we possess the luxury of liberty tempered by law and justice, while other races are bound by the yoke of tyranny."

The logic (granting the Romish premises) is on the side of the Pope, but the facts are on the side of the Cardinal. The facts ought to rectify the logic, not *vice versa;* for facts are stubborn and cannot be undone.

The modern State will never be again the obedient servant of the Roman curia. The middle ages have passed. History does not move backwards.

Toleration in Modern Italy.

Political events and the vote of the people have made an end of papal intolerance even in Italy, not to speak of other countries. Toleration was granted in 1848 by King Charles Albert of Sardinia, to the persecuted Waldenses and other Christian denominations.[1] Since 1870 this toleration extends through the united kingdom of Italy. In the city of Rome, where all public worship differing from the Roman Catholic was strictly prohibited before 1870[2], no less than a dozen Protestant churches have since been organized, and the city is more prosperous than ever. The most enlightened statesmen of Italy advocate the theory of "a free Church in a free

[1] The *statuto fondamentale del regno* of March 4, 1848, declares indeed that the Catholic Apostolic Roman Church is the sole religion of the State (*la sola religione del stato*), but that the other existing modes of worship are tolerated according to the laws (*gli altri culti ora existenti sono tollerati conformemente alle leggi*). This statute is the basis of the present constitution of Italy.

[2] Protestant worship of foreigners was tolerated, or rather ignored, but only in private houses or chapels of the embassies, as that of Prussia in the Palazzo Caffarelli; English residents worshiped outside of the city walls behind a stable. The importation of Bibles was prohibited, and many copies were often confiscated at the frontier of the papal States.

State," proposed by Count Cavour, and long since practically carried out in the United States.[1] The Italians are willing to take their religion from the Pope, but not their politics. The temporal power of the Pope was put down, not simply by force of arms, but by an overwhelming majority of voters in the plebiscite of Oct. 2, 1870 (133,681 against 1,507)[2], and could only be reintroduced and maintained by foreign intervention at the point of the bayonet. It is impossible in this age, as well as immoral, to govern a people against their wish and will. The Vatican may continue to protest against toleration and liberty, and the united kingdom of Italy, but these protests will have about as much effect as a bull against a comet, or the motion of the earth around the sun. "*E purr si muove.*"

[1] Marco Minghetti (d. 1884; a pupil and successor of Cavour), *Stato e Chiesa*, Milano, 1878 (274 pages). A German translation (said to be by the Empress Frederick of Prussia), *Staat und Kirche*, Gotha, 1881. Francesco Scaduto (Prof. in Rome, formerly in Palermo), *Guarantizie Pontificie e relazioni fra Stato e Chiesa*, Torino, 1884. Giaromo Cassani (formerly Prof. of Canon Law in Bologna), *Delle Principali Questioni politiche-religiose*, Bologna, 1872–'76, 3 vols. The first volume discusses at length the relation of Church and State.

[2] Schulthess: *Europ. Geschichts-Kalender*, for 1870, p. 403.

CHAPTER IV.

TOLERATION IN GERMANY.

The Reformation.

The Reformation of the sixteenth century effectually broke up the absolute power of the papacy among the leading nations of Europe, and vindicated the sacred rights of conscience. It was a grand act of redemption from the tyranny of an Italian priest who claimed to be and was believed to be the Vicar of Almighty God on earth, holding in his hands the keys of the kingdom of heaven. In this respect Luther's burning of the Pope's bull in December, 1520, and his rock-like stand before the representatives of Church and State at the Diet of Worms in April, 1521, are among the most heroic and most important events in history. The humble monk of Wittenberg, with his sublime faith in the Word of God and the sacredness of conscience, proved a greater power than Leo X. and Charles V. He was an emancipator of millions of spiritual slaves, and earned the gratitude of their countless posterity.

But the Reformation marks only the beginning in the modern development of freedom, and it took a long time before its full meaning was understood. The deep-rooted traditions of centuries continued to exert their influence even upon those who introduced a new age. The same Reformers who claimed the right of protest against the Pope, refused, in strange inconsistency, though from sincere conviction, the same right to the Anabaptists, Schwenkfeldians, Unitarians, and all others who dissented from them. They denied the infallibility of the Pope and general councils, and yet acted as if they were infallible themselves. They were

equally intolerant towards the Roman Church, which persecuted them as pestilential heretics. They believed that the Pope was the veritable Antichrist, and that the sacrifice of the mass was "an accursed idolatry," which evangelical rulers were in duty bound to prohibit. Both parties were engaged in a struggle for life or death. Persecution seemed to be justified by the law of self-preservation. In many cases it was a measure of retaliation. Down to the end of the seventeenth century the prevailing sentiment among Protestants as well as Roman Catholics condemned toleration as a compromise with error, and as a dangerous heresy. Calvin, the severest, and Melanchthon, the mildest, among the Reformers, fully agreed in their view of the justice of the sentence which condemned Servetus to death in Protestant Geneva. The scattered and feeble testimonies in favor of toleration and freedom came only from persecuted Anabaptists, Socinians, and Quakers.

Protestant persecution differs from papal persecution in extent and degree, but not in principle. It employed the milder punishments of fine, imprisonment, and exile for the sword and the stake, though in not a few cases the death penalty was applied. The penal laws of Elizabeth and the Stuarts against Roman Catholics and Puritans are almost as severe as the Theodosian and Justinian codes against the ancient heretics. Even the history of America, in its colonial period, is darkened by several examples of persecuting intolerance in Massachusetts, Virginia, and New York. All Churches and Sects, with very few exceptions, have persecuted to the extent of their opportunity and power, and all ought to confess and repent. Protestant persecution is even less excusable than Roman Catholic persecution, because it is inconsistent and contrary to the first principle of the Reformation, which must stand or fall with liberty.

The Peace of Augsburg. A.D. 1555.[1]

Protestantism had to struggle for a legal existence in the German Empire and in all other countries, as Christianity

[1] Gustav Wolf, *Zur Geschichte der Deutschen Protestanten*, 1555–'59. Berlin, 1888.

had to struggle in the old Roman Empire; and the number of Protestant martyrs far exceeds the number of Christian martyrs in the first three centuries. The Diet of Worms put Luther and his followers under the ban, and the imperial government of Charles V. and his brother Ferdinand felt in duty bound to crush out the Reformation as far as they could. But the movement was too strong for the combined forces of Pope and Emperor, and when it was found that neither party could exterminate the other, they were compelled to make peace and to adopt a *modus vivendi.*

After the victory of the Elector Maurice of Saxony over the Emperor Charles V., the Protestants gained a legal status and the protection of the Empire, first in a preliminary Treaty at Passau, 1552, then at the Diet of Augsburg, 1555.

The religious Peace of Augsburg broke the mediæval system of ecclesiastical uniformity and established a system of dualism by which the Romanists and Lutherans agreed to live together in perpetual peace on the basis of legal equality, but with an important advantage of the former as to future conversions; the Romanists insisting on the restriction of the so-called *reservatum ecclesiasticum*, which subjected every prelate in case of his apostasy from Rome to deposition and the loss of his temporal and spiritual power. The religion of the subjects was made to depend on the religion of the civil ruler, according to the principle, *Cujus regio ejus religio*, which was first conceded, together with the *jus reformationis*, by the Diet of Speier in 1526, but merely as a temporary expediency till the meeting of a general council.

The Peace included only Romanists and Lutherans.

The Peace of Westphalia. A.D. 1648.[1]

The Peace of Augsburg was soon disturbed by the Jesuitical reaction in Austria, Bohemia, Bavaria, and along the Rhine, and at last broken up by the Thirty Years' War, which brought untold misery upon Germany. The only

[1] See the literature quoted by P. Hinschius in Herzog, 2d ed. XVI., 877, and a summary of the Treaty in Ch. XL. of L. Häusser's *Period of the Reformation* (Engl. translation, pp. 546–559).

good which came out of this horrible tragedy was the permanent triumph of the principle of legal parity or equality. It was worth all the sacrifices.

The Treaty of Westphalia was concluded at Münster, Oct. 14, 1648, and guaranteed by Sweden and France. It confirmed the Peace of Augsburg (with the obnoxious ecclesiastical reservation), and extended it also for the first time to the Reformed or Calvinists.[1] It enacted that the three churches between which Germany was then divided should be equal before the law, and enjoy the same civil and political rights. All other denominations are expressly excluded from toleration in the holy Roman Empire.[2]

The extension of legal protection to the Reformed was due chiefly to the influence of the great Elector Frederick William of Prussia, who belonged himself to the Reformed Confession and was married to a Dutch princess of the house of Orange.

The papal nuncio, Chigi, protested against the ecclesiastical articles of the Westphalia Treaty, Oct. 26, 1648, and a few weeks afterwards Pope Innocent X. declared them null and void.[3] But his bull was a *brutum fulmen*. Germany has not only adhered to this system of legal parity, but extended it more and more.

Toleration in Prussia.

Prussia took the lead in the further progress of toleration without any special edicts.

The Elector Frederick William went beyond the Westphalia Treaty, in 1686, by granting generous hospitality and freedom to twenty thousand Huguenot refugees, who were not associated with the Augsburg Confession, but had a

[1] "*iis qui Reformati vocantur.*"

[2] "*Sed præter religiones supra nominatas nulla alia in sacro imperio Romano recipiatur vel toleretur.*"

[3] "*Articulos . . . potestatis plenitudine penitus damnamus, reprobamus, cassamus, annullamus, viribusque et effectu vacuamus.*" Bulla *Zelo domus Dei*, Nov. 26, 1648, published Jan. 3, 1651. See *Bullar. Magn.* V., 466, and extracts in Gieseler III., A. 431, note 23.

Calvinistic Confession of their own, and became an influential element in the population of Prussia.

Frederick the Great (1712–1786), like the Emperor Julian, became an infidel in consequence of religious compulsion in his early training under a despotic father, but was a consistent advocate of toleration, and furnished an illustrious example for imitation. He agreed in theory with his treacherous friend Voltaire, but had more practical respect for religion, which animated his soldiers and aided him in achieving his victories. He measured the value of a creed by its moral teaching, and this he found to be substantially the same in all Christian sects. His famous motto was: "In my dominions everybody is at liberty to get saved after his own fashion." He gave freedom of worship to the Mennonites, the Socinians, the Schwenkfeldians, and the Moravians, and even to the Jesuits in Silesia after their expulsion from all other States of Europe and the abolition of the order by the Pope. He disliked their creed, but appreciated their educational institutions. "Here, in Brandenburg," he says, "all these sects live in peace, and equally contribute to the welfare of the State. There is no essential difference between the various religions in regard to morals; therefore they may be equal before the State government, and enjoy the liberty to choose their own way to heaven. All that a ruler can require of his subjects is that they be good citizens. False zeal for religion is a tyrant that depopulates the provinces; toleration is a loving mother that nurses them and promotes their welfare."[1] Frederick deemed it the greatest perverseness in a ruler to demand that all should think alike or to enforce this by punishment. There never will be a society of uniformity of opinions. The prince has no authority over the opinions of citizens. His business is to guard the welfare of society, not to oppress the freedom of its members. The welfare of society requires toleration, which is the basis of national prosperity. With liberty of worship everybody is pleased, but persecution has

[1] *De la religion de Brandebourg*, in *Œuvres de Frédéric*, Berlin, 1846, Vol. I., 212.

caused the bloodiest, the longest, and the most destructive wars. Religious toleration, therefore, is demanded both by natural right and State policy.[1]

It must be remembered, however, that Frederick was an absolute monarch, and could exercise supreme control over the religious organizations of his subjects if he chose to do so. In Prussia, even to this day, the national evangelical Church is a department of the State government from which she derives her support, and has not even a voice in the appointment of theological professors, who are to educate her future ministry. The Roman Church, owing to her compact hierarchical organization, is much more independent, and has achieved a substantial victory in the recent *Culturkampf*. Prince Bismarck, notwithstanding his protest never to go to Canossa, met Leo XIII. half-way, and lent his influence to the repeal of most of the anti-papal Falk Laws, in exchange for the Pope's political services and rare present of the Order of Christ.

The Prussian Constitution of January 31, 1850, Article XII., which has not been disturbed by this conflict, guarantees three essential elements of civil and religious liberty, namely, freedom of private and public worship, the right of religious association, and the enjoyment of civil and political rights, irrespective of religious views. The last abolishes religious tests, and implies separation of Church and State as far as civil and political rights are concerned. The same Constitution guaranteed also, in Articles XV. and XVIII., to the Evangelical and Roman Catholic Churches, and all other religious associations, the right of self-government in the administration of their internal affairs; but those articles were unwisely repealed in the conflict with Rome, and have not been restored.[2]

The Toleration Edict of Joseph II. A.D. 1781.

Joseph II., since 1764 Emperor of the Holy Roman Empire, adopted the liberal views of Frederick the Great, the

[1] *Œuvres*, IX., 207 *sq.* Comp. Ed. Zeller, *Friedrich der Grosse als Philosoph*, Berlin, 1886, pp. 146–156.

[2] See Schaff, *Church and State in the U. S.*, 95–105, and the literature mentioned on p. 103 *sq.*

successful antagonist of his mother, and surprised the world in 1781 by an Edict of Toleration for the hereditary provinces of the house of Habsburg, where Protestantism had been almost extinguished by the Jesuitical counter-reformation. By that Edict the Protestants of the Augsburg Confession and of the Helvetic Confession, that is, the Lutherans and Reformed, received permission to hold public worship, but without bells and towers or any public signs of a regular church building. A very limited toleration indeed. Yet it enabled the Protestants in Bohemia to come out of their retreats without fear of persecution. The centennial of the Edict was celebrated with much enthusiasm in 1881, and called forth a considerable amount of literary discussion.

Austria, owing to the Roman Catholic preponderance of her population, is far behind Prussia in toleration, but is making slow progress in the same direction. The Revolution of 1848 and the separation from Germany in 1866 have broken down the old system. The Constitution of 1868 grants liberty of religion within the limits of the confessions which are recognized by the government.

The Modern German Empire. A.D. 1871.

The first official proclamation, not only of toleration but of entire religious liberty in Germany as a fundamental right of the people, was made by the Frankfort Parliament in 1849.[1] The North German Confederation, under the lead of Prussia, proclaimed the same principle by an imperial law of July 3, 1869, and abolished all remaining political and civil disabilities arising from differences of religious profession.

This law passed into the legislative code of the new German Empire, which was founded in 1871, with the Protestant King of Prussia as hereditary ruler, and marks the greatest epoch in the political history of Germany since the establishment of the holy Roman Empire by Charlemagne in league with Pope Leo III., A.D. 800. This new Empire has no official connection with any Church, and leaves the subject of religion to the several States of which it is composed.

[1] Art. V. of the *Grundrechte des deutschen Volkes.*

In this respect it occupies the same position as the general government of the United States. The several German States have adopted the same principle of liberty in theory, but retain in practice their Church establishments, which are supported from the public treasury, while the dissenting sects must support themselves.

The Emperor William II., who is at the same time King of Prussia, gave utterance to the best sentiment in Germany when he declared, in his speech from the throne to the Prussian Diet, June 27, 1888: "Following the example of my exalted ancestors, I shall always consider it a duty to extend to all religious denominations in my country my kingly protection, and the *free exercise of their form of worship.*"

What is still needed in Germany is the self-government of the Churches, which can not be enjoyed as long as they depend for their support on the civil government. Self-support and self-government are inseparable. But in Germany the subject is complicated by the question of Church property, which was confiscated in the period of the Reformation, or in more recent times, and which the State has no disposition to return to its rightful owner. In America, no rights were violated, no property injured by the constitutional provision of religious liberty. In the general government of the United States no union of Church and State ever existed, and therefore could not be dissolved. The same is true, as already remarked, of the new German Empire. All further action must be left to the several States, and it remains to be seen whether they will follow the example set by the Empire. In our country the union of Church and State continued in several States many years after the founding of the general government, but was ultimately abolished in all.

CHAPTER V.

TOLERATION IN FRANCE.

In Germany, toleration was a mutual concession of Roman Catholic and Protestant sovereigns; in France, it was the free grant of a Roman Catholic king to his Protestant subjects who had helped him to the throne. In Germany, it was steadily maintained and gradually extended; in France it was violently abolished and followed by a revocation, but ultimately restored and successfully established.

The Edict of Nantes. A.D. 1598.[1]

The famous Edict of Nantes, the ancient capital of Brittany, was issued and signed by Henry IV., April 13,

[1] On the Edict of Nantes and its Revocation see Dumont, *Corps diplomatique universel du droit des gens* (Amsterdam, 1726), V. A. 545 *sqq.* Elie Benoît, *Histoire de l'Edit de Nantes* (Delft, 1693–'95, 5 vols.). De Thou (Thuanus), *Historiarum libri cxxxviii. ab anno 1546 ad annum 1607*, Book cxxii. (London ed. 1733). Martin, *Histoire de France*, tome x., 421–425; xiii., 599–615; xiv., 37–46 (fourth ed., Paris, 1878). L. Anguez, *Histoire des Assemblées Politiques des Réformés en France, 1573–1622* (Paris, 1859), p. 82 *sqq.*, 188 *sqq.* Ranke, *Französiche Geschichte*, II., 39–59; III., 454–484 (third ed., Stuttgart, 1877). L. Aguesse, *Histoire de l'établissement du Protestantism en France* (Paris, 1886), tome IV., 585 *sqq.* (The text of the Edict is given in an appendix, IV., 601–620.) Bordier et Charton, *Histoire de France*, II., 109 *sqq.*, 274 *sqq.* (Paris, 1878). *Bulletin historique et littéraire de la société de l'histoire de protestantisme français, 34° année*, Nos. 9 et 10 (Paris, 1885). Leon Pilatte, *Edits, Declarations et Arrests concernant la réligion P. réformée 1662–1751* (Paris, 1885; the Edict of Nantes is given first, pp. i.–lxxxii.). Henry M. Baird, *The Huguenots and Henry of Navarre* (N. York, 1886), II., 414 *sqq.*; and his oration at the Huguenots' Society's "Commemoration of the Bi-Centenary of the Revocation of the Edict of Nantes," N. York, 1886, p. 24 *sqq.* Theod. Schott, *Die Aufhebung des Ediktes von Nantes* (Halle, 1885). Also the important biographical work *La France protestante par MM. Eugène et Émile Haag*, Paris, 1877, *sqq.*, 10 vols. (second ed. by H. Bordier).—On the Protestant Refugees in particular see Charles Weiss (Prof. of History in the Lycée

1598, and ratified by the Parliament of Paris, February 25, 1599. It bears the title: "*Edit du Roy sur la Pacification des Troubles de ce Royaume.*" It brought the stormy period of the French Reformation to a close.

Henry of Navarre, the descendant of Hugo Capet, the political and military leader of the Huguenots, as the Calvinists were called, and protector of their religion, ascended by hereditary right the throne of France as Henry IV., August 2, 1589, abjured from policy the Protestant religion, and professed the faith of the great majority of Frenchmen, at St. Denis, July 25, 1593, but secured five years later, according to repeated promise, a legal status to his former associates in arms and religion. Before that time they were a proscribed party, and depended altogether on the fortunes of war. They achieved temporary concessions by their victories, but lost them again at the renewal of hostilities, and would probably have been overpowered in the end by the vast majority of Roman Catholics, who had the active sympathy of all papal countries.

The number of Calvinistic congregations at the time of the accession of Henry IV. was over 750, with a membership of perhaps one million, or one twentieth part of the whole population. According to a statement not sufficiently authenticated, there were then 274,000 Protestant families, or 1,250,000 souls, in France.[1] They occupied many fortified places.

Bonaparte), *Histoire des refugiés protestants de France*, Paris, 1853, 2 vols.; (English translation by W. H. Herbert, N. Y., 1854). Sam. Smiles, *The Huguenots, their Settlements, Churches, and Industries in England and Ireland*, London, 1867 (Am. ed. with appendix by G. P. Disosway, N. Y., 1867). R. Lane Poole, *History of the Huguenots of the Dispersion at the Recall of the Edict of Nantes*, London, 1880. David C. A. Agnew (of the Free Church of Scotland), *Protestant Exiles from France, chiefly in the Reign of Louis XIV.*, or, *The Huguenot Refugees and their Descendants in Great Britain and Ireland*, London and Edinburgh, 1866; second ed., 1871, in 3 vols.; third ed., 1886, in 2 large vols. C. W. Baird, *History of the Huguenot Emigration to America*, N. York, 1882, 2 vols. The *Collections of the Huguenot Society of America*, N. York, 1886 *sqq.*

[1] See the note in Martin, X., 575. He reduces the number of congregations to 500, but it is usually stated at 760 or more.

The Edict of Nantes was prepared by a commission which included such men as Gaspard de Schomberg and the distinguished historian and jurist Jacques Auguste de Thou. It is a long and complicated document, containing: (1) ninety-two public articles; (2) fifty-six "secret" articles; (3) a "brevet" or patent of the king; (4) a second set of twenty-three "secret" articles, which were added on the last day of April, 1598.

The first of these four papers is the most important, and expressly declares the Edict to be "perpetual and irrevocable."[1] The Edict proclaims no general principle, but makes important concessions. It is a statesmanlike recognition of the rights of a highly respectable and influential minority, as far as existing circumstances seemed to demand and to permit. It is based upon previous pacification Edicts of 1563, 1570, 1577, enlarged them, and gave them permanency.

The chief provisions of the Edict are as follows:

The Huguenots were guaranteed full personal liberty in any part of France, without molestation on account of their religious opinions, and made eligible to all secular offices of trust, honor, or emolument. For their special protection special tribunals, called "Chambers of the Edict," were instituted in the Parliaments. They have free access to the schools, colleges, and hospitals; they may establish their own schools and universities, and publish religious books in the places where their worship is allowed; portions of the public cemeteries or special cemeteries are assigned to them for the peaceful burial of their dead; they are authorized to hold consistories, colloquies, provincial and national synods.

In the "brevet" or patent, the king pledges the annual sum of 45,000 crowns from the public treasury, for the support of their clergy and the expenses of the synods. The possession of their fortified cities was guaranteed to them for a term of eight years, and an annual sum of

[1] "*Edit perpétuel et irrevocable*," at the close of the introduction. The 92 Articles are printed in the Appendix.

180,000 crowns was set apart for the maintenance of the garrisons.[1]

But here the principle of justice and equality ceased. The public worship of the Huguenots was restricted to certain cities and places where it had been recently (in 1596 and 1597) maintained. It was forbidden in Paris and the surrounding district of five leagues, in the residences of the court, and other large cities, where worship could only be held in private houses and within closed doors. Consequently the Huguenots had often to walk or ride from ten to thirty miles to hear a Protestant sermon (*prêche*). Moreover, their creed is disparaged in the Edict by the designation of the *pretended* Reformed religion.[2] The Roman Catholic religion remained in every respect the only religion of the State, and the Protestants were required to pay the tithe to the clergy, to respect the fasts and feasts, and to conform to the marriage laws of the Roman Church.

The Edict, therefore, falls far short of religious liberty and equality. It recognizes fully the liberty of private conscience, but restricts the liberty of public worship. It is "a compromise between natural justice and social necessity."[3] But it goes as far as practicable, and marks a great advance beyond the public opinion of that age. It deserves to be ranked "among the grandest monuments of European civilization."[4] It is the first attempt to recognize two forms of worship under the common patronage of the civil government, though with a decided preference for the religion of the majority. It anticipated the present system in France, which was introduced by the first Napoleon.

The Edict created the greatest agitation and opposition in France. The Huguenots feared another massacre of St. Bartholomew's Day. Processions were held and sermons preached against it. Rome, true to her instincts, denounced

[1] The pecuniary promises, however, were only partially fulfilled.

[2] "*La religion prétendue réformée*"; and the Huguenots are styled, "*Les prétendus réformés.*"

[3] Augustin Thierry.

[4] H. M. Baird, *The Huguenots and Henry of Navarre*, II., 420.

it in unmeasured terms. When Pope Clement VIII. was informed of its ratification, he declared to Cardinal d'Ossat, the French ambassador (as he reported to the king), that the "Edict is the most accursed that can be imagined, whereby liberty of conscience is granted to everybody; which is the worst thing in the world. In addition to this, the worship of that damnable sect is permitted throughout the kingdom; and the heretics are introduced into the courts of Parliament, and admitted to all charges, honors, and dignities, so as henceforth to oppose every thing that might turn to the advantage of the Catholic religion, and so as to promote and further heresy. Moreover, I see the king has made this Edict at a time when he is at peace both within and without his realm; so that it cannot be said that he has been compelled to make it." This unmeasured denunciation is quite in keeping with the glorification of the massacre of St. Bartholomew's Day by Pope Gregory XIII., who responded to it by a *Te Deum* in the churches of Rome, and commemorated it by a medal representing "the slaughter of the Huguenots" by an angel of wrath.

Henry regarded the threats of the Pope as empty clouds, from which no lightning nor thunder was to be feared. He adroitly maintained a friendly political neutrality towards the two religious parties of his kingdom, till he fell by the knife of an assassin, May 14, 1610, in the midst of his brilliant career and plans for a military campaign against Germany, and a possible reconstruction of the map of Europe. The crime of François Ravaillac has often been traced to Jesuitical inspiration in revenge for the Edict of Nantes, but the bishop of Paris, Cardinal Gondy, solemnly attested the innocence of the Catholic Church and the order of the Jesuits. The assassin refused, even under frightful tortures, to disclose any name, but assigned as his motive that the king would not bring the Huguenots back to the Catholic Church, and that he intended to make war against the Pope, that is, against God.[1] He was a wild, half-crazy fanatic who

[1] "*Que dieu estoit le pape, et le pape estoit dieu.*" Ranke, *Franz. Geschichte*, II., 130.

associated with the most bigoted monks and priests, and embodied the Romish indignation against the Edict of Nantes; as the assassin of President Lincoln embodied the spirit of the pro-slavery rebellion. Ravaillac was torn to pieces by four horses. Pope Paul V. saw in the tragic fate of Henry IV. a divine chastisement.[1]

Henry IV. is the most French and most popular of all French kings, and combined the virtues and vices of his nation. The saying, "Paris is worth a mass," though not authentic, expresses the selfish motive of his submission to Rome, but he soothed his conscience by a patriotic motive of duty to the State, and by the substantial service he did to the Huguenots in just return for their services to him and to France. He had moments in which he feared that, by abjuring his faith, he had committed the sin against the Holy Spirit, as he confessed to a Protestant friend and counsellor, Agrippa d'Aubigné, in a dangerous illness; and he told once to the Landgrave of Hesse that he intended before his death to declare once more his preference for the Reformed faith.[2] He was the pacificator of France, a just and far-sighted statesman, and died a martyr of religious liberty.[3]

The Edict of Nantes was repeatedly confirmed, by Marie de Médicis, May 22, 1610; by Louis XIII., October 1, 1614, and in March, 1626; by Anne d'Autriche, the widow of Louis XIII., July 8, 1643; and by Louis XIV., May 21, 1652; but never fully carried out, and often violated. At every national Synod complaints were made of non-payment of the promised aid.

Nevertheless the Reformed Church of France flourished for half a century after the Edict, and commended

[1] "*Deus gentium fecit hoc, quia datus erat in reprobum sensum.*" Ranke, II., 132.

[2] Ranke, II., 100, and Rommel's *Correspondance de Henry IV.*, p. 79, as quoted by Ranke. But the last word of Henry to D'Aubigné was: "*Je tiens ma vie temporelle et spirituelle entre les mains du pape, que je reconnait pour le véritable vicaire de Dieu.*"—*La France Protestante*, I., 485.

[3] Martin, X., 571: "*Les penseurs ne cesseront jamais d'honorer en lui le précurseur d'une Europe nouvelle, l'esprit juste et profond . . . le champion enfin et le martyr de la plus sainte des libertés, de la liberté de conscience.*"

herself to Christendom by a high order of intelligence, virtue, and piety. Her members were among the most intelligent, industrious, conscientious, and useful citizens. Her academies and theological seminaries at Montauban, Saumur, Nimes, and Sedan took a high rank in sacred and secular scholarship, and attracted foreigners, even princes of the house of Brandenburg. Her divines, controversialists, and preachers, such as Daillé, Blondel, Basnage, Cappel, Amyraut, La Place, Du Moulin, Jurieu, made valuable contributions to the literature of France, and indirectly to the revival of the Roman Church, which would scarcely have produced a Bossuet, a Fénelon, and a Pascal without the influence of the Reformation. John Calvin laid the foundation for classical French prose. The pulpit of Charenton, on the Seine, a few miles above Paris, had a succession of eloquent preachers, as Daillé, Drelincourt, Allis, Mestrezat, Claude. While the Roman Church was agitated by the Jansenist controversy, the Calvinists of the schools of Montauban, Saumur, and Sedan discussed the subtle questions of inspiration, predestination, and imputation, and ably conducted the argument against the Romanists. They maintained strict discipline in their churches, and held provincial and national synods; for the last time in Loudun (Anjou), in 1659, under the moderatorship of Daillé, when an order from Louis XIV. prohibited such synods in future, on the frivolous pretext that they were too expensive and too troublesome.

Nor were the Huguenots at all behind their Catholic neighbors in secular pursuits, but rather excelled them. They developed the agriculture, commerce, and manufactures of the country. They furnished eminent men to all the learned professions, to the army, and to the navy. The true founder of the French Academy and its first secretary was a firm Protestant, Valentin Conrart, whom Richelieu kept in office till his death.[1] It is asserted that the finest victories of French arms under Louis XIII. and XIV. were due to captains of the Huguenot faith, as the Count de Gassion, Marshal Guebriant, Marshal Rantzan, the Duke

[1] *La France Protestante*, IV., 575 *sq.*

de la Force, the Duke de Rohan, Marshal du Chatillon, Admiral Du Quesne, Schomberg, Marshal Turenne (whose mother was a daughter of Prince William of Orange); though some of them, like Turenne in his old age, made their submission to the Catholic Church, together with most of the nobility during the reign of Louis XIV.[1]

Cardinal Richelieu, the great prime minister of Louis XIII., destroyed the power of the Huguenots as a political party by the capture of their main fortress of La Rochelle, which, from the year 1568, had been virtually an independent republic; but he pardoned them on the single condition of laying down their arms and swearing fidelity to their king, and expressly guaranteed to them the free exercise of their religion by the treaty of Alais in 1629.

Persecution of the Huguenots under Louis XIV.

With the long reign of Louis XIV. (1643–1715), the most brilliant and most despotic of French kings, and yet the slave of women, began without cause and provocation a series of systematic and cold-blooded vexations and persecutions of the Huguenots, which forms one of the most disgraceful chapters in the history of France.[2]

He was educated in the Roman Church and early formed the conviction that the unity of the State and the nation required unity of religion. He could not bear the idea that any of his subjects should differ from him, and deem their religion better than his. He wanted to be absolute monarch over his subjects, with his will as the supreme law. He was the embodiment of State-craft. His motto was "*L'état c'est moi.*" He wished to crown his military conquests by the extermination of heresy, and was encouraged in it by his advisers. He hoped thereby to conciliate the Pope whom he

[1] See the details in the second chapter of Weiss, *History of the French Prot. Refugees*, Vol. I., 49 *sqq.*, and sketches of all these distinguished Huguenots in *La France Protestante.*

[2] Martin (XIV., 54) says that history records greater effusions of blood, "*mais aucun spectacle ne blesse au même point le sens moral et l'humanité, que cette persécution exercée à froid et d'après des idées abstraites, sans l'excuse de la lutte et du danger, sans la fièvre ardente des battailles et des révolutions.*"

made his enemy by the Gallican liberties, and to atone for his many adulterous amours. These political and religious motives drew him step by step into a course of actions which made his otherwise glorious and prosperous reign most inglorious and ruinous in its ultimate consequences. He aspired to become "Louis the Great," but he only reached the distinction of "the great monarch" with his flatterers and admirers, and even that title is marred by his bigotry, cruelty, and licentiousness.

When a youth of eighteen, he declared (July 18, 1656) that he had "always considered the Edict of Nantes as a singular work of the perfect prudence of Henry the Great, our grandfather." But he acted on the opposite view after the year 1661. He withdrew one privilege after another from the Huguenots. The legal tribunals supported him by giving the least favorable interpretation to the legislative provisions for their protection, and the most favorable interpretation to the laws for the dominant Church. Whatever was not expressly granted to the Huguenots in the Edict of Nantes was denied them. Conversion to Protestantism was prohibited under heavy penalties, while conversion to Romanism was facilitated in every way by promises and threats. The Protestants were gradually removed from the offices of State and professions of emolument; even women were denied the humble avocations of midwives, milliners, and laundresses. Their "temples" were destroyed or confiscated when they stood inconveniently near the parish church, when the sound of psalm-singing disturbed the solemn mass, or when no clear title of the land could be produced, Thus Béarn, the mother province of French Protestantism, lost fifteen out of twenty churches at a stroke of the pen; the remaining five were destroyed in May, 1685, and the Protestant preachers expelled from the province that the Jesuits might begin their work of conversion without hindrance. The Chambers of the Edict were abolished. The colleges of Sedan, Montpellier, Saumur, and Montauban were closed, and the buildings given over to the Jesuits. Huguenot schoolmasters were forbidden to teach any thing but read-

ing, writing, and arithmetic. All preaching and writing against Catholicism were strictly interdicted. Infants must be baptized within twenty-four hours by priests, if no Protestant preacher was within reach, as was often the case. A child of seven years was permitted to profess the Roman religion against the will of the parents, and could not afterwards return to Protestantism. Emigration was forbidden, and the half of the goods of the emigrants was promised to the informers.

These iniquitous measures were crowned by the infamous Dragoonades. Companies of coarse troopers were billeted in times of peace upon the families of the Huguenots, in order to force their wholesale conversion or ruin by every kind of violence short of rape and deliberate murder. This was done in all the districts except that of Paris, where the king wished to appear humane and enlightened. The dragoons turned the parlors into stables, broke the furniture, compelled the proprietors to furnish them with every delicacy of the market, insulted women with ribald jests and songs, disturbed the night's rest, and made life unendurable.

Let us hear the reports of the best-informed French historians.

"The soldiers," reports Benoît, a contemporary historian,[1] "offered indignities to the women, which modesty does not suffer me to describe. The officers were no better than the soldiers. They spat in the women's faces; they made them lie down in their presence upon burning coals; they forced them to put their heads in ovens, the vapor of which was hot enough to suffocate them. Their chief study was to discover torments which should be painful without being mortal."

"In many villages," says Professor Charles Weiss,[2] "the priests followed the dragoons through the streets, crying: 'Courage, gentlemen; it is the intention of the king that these dogs of Huguenots should be pillaged and sacked.' The soldiers entered the houses, sword in hand, sometimes

[1] *Hist. of the Ed. of Nantes*, Book XII., Vol. V., p. 833 *sq.*
[2] *Hist. of the French Prot. Refugees*, I., 93 *sq.*

crying 'Kill! kill!' to frighten the women and children. So long as the inhabitants could satisfy their rapacity, they suffered no worse than pillage. But when their money was expended, the price of their furniture consumed, and the ornaments and garments of their wives disposed of, the dragoons either seized them by the hair to drag them to church; or, if they suffered them to remain in their houses, they made use of threats, outrages, and even tortures to compel them to be converted. They burnt, at slow fires, the feet and hands of some; they broke the ribs, legs, or arms of others, with blows of sticks. Many had their lips burned with hot irons. Others were cast into damp dungeons, with threats of leaving them there to rot. The soldiers said that every thing was permitted to them, except murder and rape."

The same writer gives several cases of the barbarous cruelty of these persecutions. An old gentleman of Nimes, named M. de Lacassaque, after having been robbed of his sleep for many days, at last professed submission to the Roman Church. "Behold, now you may take your rest," said the Bishop Séquier. "Alas, my lord," replied the unfortunate man, "I no longer expect rest, but in heaven, and God grant that what I have done this day may not close its gate upon me." His wife, disguised as a servant-maid, was wandering through the woods, where many of the women were overtaken with the pains of childbirth. A pastor at Bordeaux, a brother of Bayle, was thrown by the order of Louvois into a dungeon, called "The Hell," and kept there for five months till death delivered him from his torments. The victims in these horrible dungeons "could not remain standing, sitting, or lying at length. They were let down into them with ropes, and were drawn up again every day to have inflicted upon them scourgings, either with a stick or the strappado. Many, after a few weeks' imprisonment, issued from the dungeons of Grenoble, without hair or teeth."

Voltaire described the French nature as being half monkey, half tiger. We have a more favorable idea of it from history

as well as from personal knowledge of some of the finest specimens of Christian gentlemen in that nation. But it is evident that during this period of persecution and during the reign of terror in the Revolution a century later, the government itself turned into a tiger and quenched its thirst in virtuous and innocent blood.

These cruelties had their effect upon weak human nature. The sufferers sought refuge in flight or insincere submission. "The dragoons," wrote Madame de Sévigné, "have been very good missionaries; the preachers who will be sent presently will render the work perfect." The governors of the provinces sent to the king exaggerated reports monthly and weekly of thousands of so-called new converts (*nouveaux convertis*),—60,000 in the district of Bordeaux, 20,000 in and around Montauban, 30,000 in Dauphiné, etc., without informing him of the means employed, or letting the complaints of the persecuted reach his ears, and made him believe that Protestantism was annihilated in France.

In this belief he was strengthened and encouraged to take the final step of revocation by his courtiers and advisers, especially by Louvois, his minister of war, Père la Chaise, his confessor, and Madame de Maintenon, his last mistress, the most influential woman in France, who had herself been a Calvinist (being the granddaughter of Agrippa d'Aubigné, a friend of Henry IV., and leader of the Huguenots by sword and pen), but was all the more zealous for her new faith, and acquired complete control over the head and heart of her royal lover, who secretly married her in 1684.

Revocation of the Edict of Nantes. A.D. 1685.

In the year 1685 the king revoked the "irrevocable" Edict of his grandfather by a formal decree, signed by his hand at Fontainebleau on the 18th[1] and registered on the 22d of October, eighty-seven years after the Edict of Nantes and seventy-five years after the death of Henry IV.[2] It was one of the darkest days in the history of France and the history of liberty."

[1] Or 17th. The Edict gives only the month.

[2] Appendix III.

In the Edict of Revocation, Louis XIV., after declaring that the greatest part of his Protestant subjects had embraced the Catholic religion and made the Edict of Nantes useless, prohibits the worship of Protestants, orders the immediate destruction of their temples, the closing of their schools, the banishment of their ministers within a fortnight on pain of death, and the Roman Catholic baptism of every new-born babe; while laymen are forbidden to leave the country, the men under peril of being condemned for life to the galleys, the women to perpetual imprisonment.

A series of proclamations followed from time to time to enforce this measure of injustice and cruelty.

The Edict extended also to the French colonies in America. The king informed the Governor de Denonville of Canada, in May, 1686, of the brilliant success of the Revocation in France, and instructed him to quarter his troops in the houses of any remaining Huguenots, or to imprison them, but to be careful to accompany this rigorous treatment with the necessary provisions for their religious instruction to be procured from the bishop. The governor informed him that there was not a heretic in Canada.[1] For the Huguenots were excluded from emigrating to New France in 1633, and the settlement given into the hands of Jesuit missionaries, whose heroic labors among the Indians in the Northwest deserve all credit. The conflict of England and France for the possession of North America ended with the defeat of France.

On the very day when the Edict of Revocation was registered (October 22d), the destruction of the eight hundred Protestant houses of worship began with the demolition of the large temple of Charenton, and the erection of a cross with the royal arms on the ruins.[2] Of the temple of Nimes a solitary stone was accidentally left, which bore the inscrip-

[1] Ch. W. Baird, *Hist. of the Hug. Emigration to America*, I., 126.

[2] See a picture of the temple in Bordier and Charton, *Histoire de France*, II., 194, and its destruction, p. 282, and a description in the *Bulletin historique et litteraire* of the "Society of the History of French Protestantism" for Sept. and Oct., 1885, p. 388 *sqq*.

tion: "Here is the house of God, here is the gate of heaven."

France had at that time about a million and a half of Protestants among twenty millions of inhabitants.[1]

Approval of the Revocation by the Roman Clergy and the Pope.

The leading Roman Catholic bishops and pulpit orators, with a few noble exceptions, as that of Fénelon, congratulated the infatuated king on this inglorious and disastrous deed. The great Bossuet, who with all his zeal for the Gallican liberties formulated by him in 1682, hated the Calvinistic heresy, took the lead in blind laudations of Louis, and called him a new Constantine, a new Theodosius, a new Marcian, a new Charlemagne, who established the faith, who exterminated the heretics. "Through your exertions," he addressed the king, "heresy exists no longer. God alone could perform this miracle. King of heaven, preserve the king of the earth, is the prayer of the churches, is the prayer of the bishops."[2] Fléchier expressed the same enthusiastic joy over the destruction of heresy. Abbé Tallemant after the razing of the Protestant church at Charenton exclaimed before the French Academy: "Happy ruins! which are the finest trophy France has ever seen. . . . There is nothing but the fable of the vanquished hydra, which can aid us to express in some degree our feelings of admiration at this astonishing victory." Massillon, in his funeral oration on Louis XIV., eulogized chiefly his great "victory over heresy," which fell at his first blow and was forced "either to conceal itself in the darkness from which it emerged, or to cross the sea and to carry with it its false gods, its wrath and its bitterness into foreign lands."[3]

[1] This is the estimate of Martin, XIV., 54, after deducting the loss sustained by conversions and emigration in the preceding twenty years, which Jurieu estimates at more than 200,000. Contemporary estimates vary between 800,000 and 2,000,000.

[2] In his funeral oration on Le Tellier, who prepared and countersigned the Revocation and died a few days afterwards (October 31st). Cardinal Hergenröther (*Kirchengesch.* III., 433) calls Bossuet the "church father of liberal Catholic theology, which would kiss the Pope's toe, but bind his hands and make the Church a tool of the State." [3] Weiss, I., 123.

The clergy echoed these laudations. Municipal corporations, courts of justice, academies, and universities rivaled in expressions of admiration for the king; medals were struck, which represent him crowned by religion for having brought back to the Church two millions of Calvinists; statues were erected to "the destructor of heresy."

Pope Innocent XI., forgetting for a moment his quarrel with Louis XIV., on account of the assertion of the Gallican liberties, which deny the infallibility and temporal power of the Pope, praised him, in answer to official information, for an action fully worthy of "the most Christian king" (Nov. 16, 1685), and celebrated the Revocation with a *Te Deum* (March, 1686), as his predecessor had celebrated the massacre of St. Bartholomew.[1]

The Verdict of History.

The verdict of history differs widely from Louis XIV., Bossuet, and the Pope. Catholic France was by no means unanimous in the approval of the Revocation, even at that time. The Duke de Saint-Simon, a courtier of Louis XIV.,

[1] The brief is printed in Latin and French in *Edits, Declarations et Arrests concernans la réligion prétendue Réformée* (Paris, 1885), p. 605 *sq.* The Pope begins: "*Carissime in Christo fili noster*," etc. "*Cum præ cæteris illustribus documentis quæ ingenitam Majestatis tuæ pietatem abunde declarant, maxime excellat eximius ille regeque christianissimo dignus plane zelus, quo strenue incensus faventes istius regni hæreticis constitutiones penitus abrogasti, fideique orthodoxæ propagationi sapientissimis editis decretis egregie consuluisti, sicut nobis exposuit dilectus filius, nobilis vir dux d'Estrées*," etc. The Pope predicts: "*Recensebit profecto suis in fastis catholica ecclesia tam grande tuæ erga ipsam devotionis opus, nomenque tuum non interituris præconiis prosequetur.*"

Dr. Döllinger (*Kirche und Kirchen*, 1861, p. xxxiii.) and Cardinal Hergenröther (*Kirchengeschichte*, III., 597, 3d ed., 1886) assert that Pope Innocent disapproved the persecution. But he merely disapproved, in a roundabout way, the novel and uncatholic method of converting heretics by dragoons or "armed apostles," and tried to restrain James II. from his suicidal folly. I am glad, however, that such a Catholic scholar and dignitary as Hergenröther condemns the "terrible severity" of Louis XIV., though he prudently (must we not say, unfairly?) ignores the approval of Bossuet and the other lights of the French pulpit, as well as the *Te Deum* sung in Rome. His words are: "*Sowohl französische Bischöfe, wie Fénelon, als Papst Innocenz XI. missbilligten die furchtbare Härte; letzerer liess durch den Nuntius d'Adda in London den König Jacob II. zu Vorstellungen dagegen aufmuntern.*"

a great writer and a good Catholic (a zealous Jansenist and friend of Fénelon), was only ten years of age when the Edict of Revocation was issued, but lived long enough to see its consequences, and described them in the darkest, yet most truthful colors. The voice of Protestant Europe condemned it, and answered by offers of hospitality to the victims of persecution. Among modern historians there is scarcely a difference of opinion on the subject.

The Revocation was a moral crime, a political blunder, and a national disaster. It deprived France of many thousands of her best citizens, ruined her manufactures and commerce, subjected her for a long time to the pillage of the dragoons, brought untold misery upon individuals, families, and communities, armed parents against children and children against parents, covered the land with hypocrisy, perjury, and sacrilege, roused the indignation of the Protestant world, filled the refugees with hatred of their native country, and was the remote cause of the French Revolution.[1]

We may go even further, and say that the recent humiliation of France in the war of 1870 was the result of the policy of Louis XIV. with his Protestant subjects and of his unjust wars against Holland and Germany, the savage devastation of the Palatinate, and the robbery of Strasburg. When the German historian, Ranke, met the French historian and statesman, Thiers, at Vienna, after the downfall of the

[1] This is substantially the judgment of the Duke de Saint-Simon, in his *Mémoirs*, ch. 313, quoted in French by Bordier (II., 282 *sq.*), and in English by Ch. W. Baird, *Hist. of the Hug. Emigration to America*, I., 259. Comp. also the spirited summary in Voltaire's *Siècle de Louis XIV.*, the judgments of Martin, Bordier, Weiss, and other historians. Dr. Döllinger, in an essay on Louis XIV. (*Akademische Vorträge*, 1888, Vol. I., 311), makes the striking remark, that that man would have been the greatest benefactor of the king and of France, who with the authority of a Hebrew prophet would have warned him in 1685 to this effect: Do not revoke the Edict of Nantes! You will forge a chain of oppressions; you will make more hypocrites than believers, and desecrate the sacred rites of the Church; you will drive hundreds of thousands of the most conscientious citizens out of the land; you will inflame bloody civil wars; you will alienate the hearts of foreign nations; you will raise a generation of infidels who will overthrow your throne and persecute and destroy your Church, which now offers you the weapons and instruments against the sons of your people.

second empire at Sedan, he is reported to have told him that the Germans were making war, not upon Napoleon, nor the empire, nor the republic, still less upon the French people, but upon Louis quatorze; whereupon Thiers wondered at the long memory of the Germans.

The Great Exodus.

The Revocation forced the Protestant ministers to leave the country, and the laymen to remain at home. Now the emigration which had begun in the early stages of the persecution assumed the proportion of a vast exodus, which may be compared to the exodus of Israel from the oppression of Pharaoh, and forms one of the most glorious, as the Revocation forms one of the most inglorious, chapters in the history of the French people. The Huguenot emigration for the sake of religion throws all similar emigrations into the shade. No church can boast of a larger army of confessors and martyrs of conscience than the Calvinistic Churches of France and of Holland.

The Huguenots as a rule were superior to the mass of the Roman Catholic population outside of Paris in intelligence, industry, and virtue, and the emigrants were the élite of the Huguenots, including such distinguished names as Claude, Jurieu, Bayle, Basnage, Lenfant, Beausobre, Abbadie, Saurin, Ancillon, Tronchin, Constant, Candolle, Denis Papin, de Blois, not to count the much larger number of their equally distinguished descendants in other countries.

Their high moral character is shown by the very fact of their emigration. They left their property and native land in obedience to their conscience and at the risk of their lives. They showed their heroism in flight under the greatest hardships, in constant dread of the heartless pursuers. They made their way to a place of safety, singly or with women and children, in all sorts of disguise,—as pilgrims, as couriers, as sportsmen with their guns upon the shoulder, as peasants driving cattle, on untrodden roads, traveling by night and passing the day in forests or caverns, hid under bales of goods and heaps of coal or in empty casks on Eng-

lish and Dutch merchant vessels. "Persons brought up in every luxury, pregnant women, old men, invalids, and children rivaled each other in constancy, hoping to escape their persecutors."

Those who were caught in the flight had to endure the extreme hardships of the galleys at Marsailles and Toulon, chained two and two, plying the long and heavy oars, exposed to the heat of the day and the chill of the night, without being able to change their position beyond the length of their chain.

Men made of such stuff and capable of such sacrifices are worthy of a place of honor and glory among the heroes of faith and "the noble army of martyrs."

The total number of French refugees cannot be exactly ascertained, and is variously stated at 300,000 up to a million. Counting all the Huguenots who emigrated before and after the Revocation for the sake of religion, half a million is probably not too high an estimate.[1]

The Huguenots in Foreign Lands.

The loss of France was a gain to foreign lands. The curse of the Revocation was turned into a blessing. Provi-

[1] Vauban counted 100,000 from 1684 to 1691; Jurieu more than 200,000 in 1687; Benoît 200,000 in 1695; Basnage, an illustrious refugee, speaks vaguely of from 300,000 to 400,000; others swell the number still more; while Martin (XIV., 59) and Bordier (II., 283) reduce it to 250,000, but only from the Revocation to the beginning of the following century. Professor Charles Weiss (Vol. I., p. 3 of the English translation) estimates the number of refugees during the last fifteen years of the seventeenth century at from 250,000 to 300,000, and gives several details of the diminution of the population in various cities and provinces according to official reports of 1698, but these reports are incomplete, and cover only a few years. The population of La Rochelle decreased more than one third. Of 1,938 Protestant families in the district of Paris, 1,202 emigrated, and only 731 remained behind. In the district of Meaux, 1,000 families out of 1,500 made their escape. In Burgundy about one third of the Protestants expatriated themselves. Normandy, which had formerly at least 200,000 Protestant families, suffered most. In Picardy, as in Normandy, the vicinity of the sea favored the escape into Holland and England. Pastor N. Weiss (secretary and librarian of the "Société de l'histoire du protestantisme français") estimates the whole number of refugees at from 500,000 to 600,000. See his *La Sortie de France pour cause de religion de Daniel Brousson et de sa famille*, Paris, 1885, p. vi.

dence overrules the counsels of bad men, and brings good out of evil.

The Huguenot refugees excited the active sympathy of all Protestant countries, and found new homes in Switzerland, England, Holland, Germany, Denmark, Sweden, and in the colonies of North America. They enriched the lands of their adoption by their intelligence, industry, virtue, and the charms of refined manners. Their names and those of their descendants are on honorable record in the theological, literary, political, and military history of those countries.

Those who emigrated to Holland and England lent effectual aid as private soldiers and officers, trained under Turenne and Condé, to William of Orange in the Revolution of 1688, and the defeat of the Jacobite rebellion in Ireland, aided by Louis XIV., in the following year. In the battle at the Boyne (July 1, 1690) the Huguenots first crossed the river under the command of Count de Schomberg, who addressed them: "Come, friends, remember your courage and your griefs; your persecutors are before you." Such acts of retaliation, which transplanted the civil war to foreign soil, are, of course, offensive to French patriotism, and obscure the fame of bravery. But the great majority devoted themselves to the arts of peace, greatly enlarged the commerce and navigation, and introduced or improved the manufacture of silks, linen, hats, tapestry. Allix, Abbadie, and Jacques Saurin (before his call to the Hague in 1705) graced the pulpits of London with their eloquence.[1]

The greatness of Prussia dates from that period, and was promoted by the French Reformed element. In the same month in which Louis XIV. signed the Revocation of the Edict, Frederick William, the great Elector of Brandenburg (who had received a French Protestant education at the court of the princes of Orange, and married Louisa Henrietta, a daughter of the Stadtholder Frederick Henry and a descendant of Admiral Coligny), signed at Potsdam an Edict expressive of warm sympathy with the persecuted

[1] Weiss, *l. c.*, I., 267 *sqq.*

Huguenots, and offering inducements to those who might wish to settle in his dominions (October 29, 1685).[1] He received about 20,000 refugees, including such distinguished scholars as Lenfant, Beausobre, Vignole, Lacroze, Abbadie (who afterwards settled in England), able journalists, skilled artisans, and brave officers. He made liberal provision from his private purse for their temporal and spiritual needs in Berlin and other cities. "I will sell," he said, "my silver plate before they shall suffer want." Several Huguenot churches remain to this day living monuments of that noble hospitality, which has borne rich fruit in subsequent history down to the victories of the Franco-German War of 1870.

It should be added, however, that he did not permit the free development of the presbyterian and synodical self-government which would interfere with his summepiscopate.

Huguenot colonies settled also in Halle, Magdeburg, Stendal, Halberstadt, Calbe, Spandau, Königsberg, Hamburg, Frankfort-on-the Oder, Frankfort-on-the Main, Cassel, Hanau, Friedrichsdorf in Hesse, and other places of Germany, and have in part preserved the French language in public worship to this day.[2]

In American History the influence of the Huguenot element is very conspicuous, and out of proportion to the extent of immigration. It may be traced in the French names of our patriots, statesmen, philanthropists, and ministers of the gospel. One of the chaplains of the old Continental Congress, during the War of Independence, Jacob Duché, of Philadelphia; three of the seven Presidents of that Congress, Henry Laurens, of South Carolina, John Jay, of New York, Elias Boudinot, of New Jersey; two of the four commissioners who signed the treaty of peace at Paris in 1782, Laurens, and Jay; the first Chief-Justice of the State of New

[1] See Doc. IV., in Appendix.

[2] Comp. Charles Ancillon, *Histoire de l'établissement des Refugiés dans les États de son Altesse Electorale de Brandenbourg*, Berlin, 1690. Weiss, *l. c.*, Book II. (p. 127 *sqq.*). E. Muret, *Geschichte der französischen Kolonie in Brandenburg-Preussen*, 1885. Henri Tollin, *Geschichte der französischen Colonie von Magdeburg*, Halle, 1886–87, 2 vols. In the first volume (pp. 740), Tollin gives a full general history of Huguenot emigration to Germany.

York and the second Chief-Justice of the Supreme Court of the United States, John Jay, were descendants of French Protestant refugees, and gave their influence to the establishment of the new republic on the basis of political and religious freedom. John Jay was also, as joint editor with Hamilton and Madison of *The Federalist*, one of the chief advocates and expounders of the Federal Constitution.

The Church of the Desert.[1]

Louis XIV. vainly believed and declared, March 8, 1715, that God had blessed his "pious intentions" to bring back the heretics and their children to the true church. But the Protestant religion was not dead in France; it was only buried alive and continued to breathe, and at last burst the coffin. For a century the Reformed Church of France lived as a Church of the Desert, like the burning bush which it has chosen for its device: "*Flagror, non consumor.*" More than one half of the Huguenots could or would not flee from their native land, and yet adhered to their faith in the face of confiscation, torture, and death. They met for worship in forests, on the mountains, in caverns, under cover of the night. The awful silence of nature, the flickering torches, the reading of the Prophets, the plaintive strains of the psalms, the solemn prayers, the sudden interruptions by the cries of sentinels, created a morbid excitement of religious feelings, and gave rise to a set of enthusiasts and visionaries who took the place of regular pastors and believed themselves inspired by God. They stirred up the revolt of the Camisards in the Cevennes, but it was soon put down by the armies of Louis XIV.

[1] On this most interesting period of the French Reformed Church, I refer to Charles Coquerel, *Histoire des Églises du Désert*, Paris, 1841. O. Douen, *Les premiers pasteurs du désert* (1685–1700), Paris, 1879, 2 vols. Edmond Hugues, *Histoire de la Restauration du Protestantisme en France au XVIIIe siècle—Antoine Court—d'après des documents inédits*, Paris, 1875, 2 vols. *Les Synodes du Désert*, Paris, 1885, 2 vols., by the same. A. P. Dardier, *Paul Rabaut, ses lettres a Antoine Court* (1739–1755). *Dix-sept ans de la vie d'un apôtre du désert*, Paris (n. d.). The earlier work of A. Vinet. *Histoire de la Prédication parmi les Réformés de France au dix-septième siècle*, Paris, 1860 (1841), comes down to Jaques Saurin (1677–1730).

During that critical period, Providence raised a man of truly apostolic zeal and wisdom, Antoine Court (1696–1760), pastor at Nimes, who consecrated his whole life to the Protestant Church of France and is justly called its "Restorer." He collected the scattered members, called them from wild enthusiasm to sobriety, organized them into regular churches, and established a seminary of learning at Lausanne for the training of ministers. Paul Rabaut continued this work in a faithful ministry of fifty years till his death in 1785, shortly before the new Edict of Toleration.

The Triumph of Infidelity.

France rejected the Reformation and reaped the Revolution. The tyranny of Romanism provoked infidelity. The Revocation of the Edict of Nantes was followed by the temporary destruction of the Church in France.

The eighteenth century is the century of infidelity, which had its head-quarters in Paris. Voltaire (1694–1778) was its chief apostle, who ruled as an absolute monarch in the realm of literature. He was a master-architect of ruin, but unable to build up. He was essentially a mocker, though not without noble impulses for justice, liberty, and humanity. Frederick the Great admired his genius but despised his character, and ascribed to him all the agility and malice of a monkey. Voltaire knew the Christian religion only in a distorted form, which it had assumed under Louis XIV. and Louis XV. in connection with worldliness and political despotism, and he never took the trouble to study seriously its true character in the Bible and in history. He hated the Roman Church of his day as the mother of superstition and the enemy of all freedom and progress. He employed his inexhaustible resources of sarcasm, irony, and ridicule for her destruction. He gave expression to his malignant hatred in the terrible phrase, "Crush the wretch," which frequently occurs in his works, and especially in his private letters. By the infamous wretch he meant no more or less than the Roman Church as a hierarchial institution,

the intolerant, persecuting, Jesuitical Church of the Inquisition and the Revocation.[1]

But while we deplore his infidelity, we must give him credit for his triumphant advocacy of religious toleration, by which he revolutionized public opinion in France. This is his noblest deed. He went to great trouble and expense to rescue the memory of Jean Calas and to cause the reversion of his unjust condemnation, and thereby he dealt a death blow to the system of religious persecution.

The Trial of Jean Calas.

Jean Calas was a worthy Protestant merchant of Toulouse, and father of four sons and two daughters. One of his sons hung himself in a fit of melancholy, October 13, 1761. A rumor arose that the unfortunate youth intended to profess the Roman religion the next day, and that the father had strangled him to prevent his conversion. The clergy stirred up the fanatical passions of the populace. Calas was arrested, accused by false witnesses, condemned by the Parliament of Toulouse, and broken alive on the wheel, March 10, 1762. He protested his innocence to the

[1] "*Écrasez l'infâme.*" The word *infâme*, *infamous*, is also used as a noun in the sense of a convicted criminal, an infamous man or woman. Voltaire uses it as a feminine. It is often asserted, but denied by the best authorities, that he meant Christianity or even Christ. The writer of the Art. "Voltaire" in Pierre Larousse's *Grand Dict. universel du XIX. Siècle*, Tome XV., 1181, says that Voltaire by that phrase certainly intended no more than to designate "*la superstition, le fanatisme et l'intolérance, restes impurs du moyen âge, qui no-seulement n'ont rien de religieux, mais sont même subversifs de toute idée religieuse.*" The same writer states that Voltaire was no atheist, but simply a deist, and that he returned in his later writings more and more from skepticism to deism. When Franklin asked him to bless his grandson, he laid his hands on him with the words: "*Dieu et la liberté.*" G. Saintsbury, in the *Encycl. Britannica*, Vol. XXIV., 292 (9th ed.), takes a similar view: "*L'infâme* is not God; it is not Christ; it is not Christianity; it is not even Catholicism. Its briefest equivalent may be given as 'persecuting and privileged orthodoxy' in general, and, more particularly, it is the particular system which Voltaire saw around him, of which he had felt the effects in his own exiles and the confiscations of his books, and of which he saw the still worse effects in the hideous sufferings of Calas and La Barre." Compare also the discussion of the phrase by Strauss, *Voltaire*, p. 188 *sq.*, and Zeller, *Friedrich der Grosse als Philosoph*, p. 144 *sqq.*

last breath, bore his sufferings without a murmur, and prayed God, not to punish his judges, who were no doubt deceived by false witnesses. His little property was confiscated, and his children were imprisoned in a convent; but two sons escaped to Geneva. The revision of the process proved the complete innocence of Calas. The verdict of the highest legal tribunal of Paris unanimously reversed the verdict of the Parliament of Toulouse (March 9, 1765); the property was restored to the family; and the king made the widow (who died an octogenarian in 1792) a present of thirty thousand francs; but the guilty parties were not punished.[1]

The case of Calas interested all France; it elicited no less than 145 publications, and was also brought upon the stage. The verdict of Toulouse was the last act of Huguenot persecution; the verdict of Paris was the death of the Edict of Revocation.

Voltaire's Theory of Toleration.

Voltaire did not defend Calas as a Protestant, but as an injured citizen. He cared no more for Protestantism as a religion, than for Catholicism, but he did care for the natural rights of man and for justice. He exposed the case in his *Tract on Toleration* which appeared first in 1763, in several editions and languages, and had a most extensive circulation and a powerful effect.[2]

He advocated toleration as a right of justice, a duty of humanity, a condition of the prosperity of the State, and as the only basis of peace between the State and religion, and the different religions. Toleration promotes population. It alone makes society endurable. The Christian religion,

[1] Comp. Athan. Coquerel, Jr., *Jean Calas et sa famille*, Paris, 1858; 2d ed., 1869 (with all the documents, 527 pp.); Herzog, *Die Familie Calas und Voltaire*, 1868; Kohler, *Die Familie Calas*, Hamburg, 1871; *La France Protest.*, Vol. III., 471 *sqq.*, 2d ed. (1881). The work of Coquerel is exhaustive.

[2] "*Traité sur la Tolérance à l'occasion de la mort de Jean Calas.*" Voltaire frequently speaks of toleration in his letters to D'Alembert.

he thought, ought to be the most tolerant, because Christians have been the most intolerant among men.

Yet Voltaire, Rousseau, and the other French freethinkers of the eighteenth century maintained the right of the civil ruler over the religion of his country. Voltaire recognized (as he wrote to Catherine II.) only the temporal power, which may forbid any dogma contrary to the public good. Dissenters from the established religion should always be obliged to apply to the magistrate to hold their assemblies. Rousseau taught that all believers in an exclusive religion (that is, all Roman Catholics) should be banished, because such a belief was incompatible with the safety and tranquillity of society.

Through the influence of Voltaire, Rousseau, and the Encyclopædists the doctrine of toleration, in conjunction with indifference and infidelity, pervaded French society and reduced the intolerant legislation of Louis XIV. to a dead letter.

In the meantime the American Colonies with the aid of France achieved their independence, and the Constitutional Convention of 1787 made religious liberty the law of the land. This example was not without moral effect upon public opinion. General Lafayette acted as a mediator and friend of both countries and freely advocated the same principle on his return.

Toleration Restored.

At last toleration was restored in France, and Protestantism recognized by law.

Louis XVI., the innocent victim of the misgovernment of Louis XIV. and Louis XV., prepared the way for this act of justice. He signed an Edict in 1787, in which he declared: "After the example of our predecessors, we shall always favor, with all our power, the means of instruction and persuasion, which may tend to bind our subjects in the common profession of the ancient faith of our kingdom; and we shall proscribe, with the utmost severity, all those violent means which are as contrary to the principles of rea-

son and humanity as to the true spirit of Christianity. But while we wait till Divine Providence shall bless our efforts, and bring about this happy revolution, our justice and the interest of our kingdom permit us no longer to exclude from civil rights those of our subjects and of strangers, domiciled in our empire, who do not profess the Roman Catholic religion. A sufficiently long experience has demonstrated that rigorous proceedings are insufficient to convert them. We must, therefore, no longer permit our laws to punish them for the misfortune of their birth, by depriving them of rights, which nature must incessantly demand in their behalf."

The Constituent Convention of 1789 went a step beyond this Edict, and overthrew the barriers which still kept the Protestants from all public offices. It declared (August 21st) all citizens to be equal in the eyes of the law, and equally admissible to all public dignities according to their abilities, and passed a decree (August 23d) that "No person ought to be troubled on account of his opinions, even though they be religious, provided that their manifestation do not disturb the public order as instituted by law." A law of December 15, 1790, gave the descendants of French refugees, on returning to France and making it their home, all the rights of citizenship, and promised them restoration of such confiscated property as was not sold *bona fide* but still under sequestration. The Republican Constitution of June 24, 1793, Article VII., says in language similar to that of the First Amendment of the American Constitution: "The right of communicating thoughts and opinions, either through the press or in any other manner; the right of assembling peacefully; *the free exercise of religion*, cannot be prohibited."

It is true that the toleration of the infidel school of Voltaire and the Encyclopædists ended in the greatest intolerance, even the extermination of the Christian religion under the reign of terror. Voltaire's *Écrasez l'infâme* was literally carried into effect, and the worship of reason substituted for the worship of God by the National Assembly

in November, 1793. Thus the French Revolution took fearful revenge on the Revocation, and the Gallican Church was almost annihilated in France. The Pope himself was made prisoner by French troops, and his dominion changed into a republic (1798).

The Napoleonic System.

But this reign of terror was short-lived and committed suicide. It brought France to the brink of ruin, from which it could only be saved by military despotism. The first Napoleon, the rider and tamer of the wild beast of Revolution, saw that society cannot be reconstructed and maintained without religion. He therefore restored the Roman Catholic Church, and concluded a concordat with the Pope (1802). He also restored the legal existence of the Protestant (Calvinistic and Lutheran) Churches.

The Napoleonic system has, with unessential modifications and enlargements, remained in force through all the changes of government to this day. Even the Bourbons dared not set it aside, though they favored the Roman Church as far as possible. It is a system of limited liberty of religion under government supervision and with government support. It is an expansion of the Edict of Nantes with considerable improvements. It still recognizes the Roman Catholic Church as the religion of the great majority of Frenchmen, and gives her the strongest support; it restores the legal and ecclesiastical status of the Huguenot or Calvinistic Reformed Church, but removes the restrictions of the Edict of Nantes, and authorizes its public worship everywhere, in Paris as well as in the country; it recognizes and supports, in addition to those two Churches, the Lutheran Confession, and, since 1841, also the Jewish Synagogue; in Algiers, even the Mohammedan worship. Finally, it tolerates other religious societies and congregations, which support themselves (as the Église libre, founded in 1849, foreign churches of Episcopalians, Wesleyans, Baptists, the McAll missions, etc.).

But by supporting the recognized religions from the pub-

lic treasury, the civil government, whether imperial or monarchical or republican, keeps them under its control, and obstructs their free movement. Even the present republic does not allow the Reformed Church to exercise the right of synodical self-government. It did so once in 1872, under the presidency of Thiers, and through the influence of Guizot; but the synods held since that time are *unofficial*, and have no legislative authority. In this respect the present system is behind the Edict of Nantes, which authorized provincial and general synods.

The anti-clerical, infidel radicalism is opposed to the freedom and self-government of the Church, and endangers free institutions, which can only be maintained on the strong moral foundation of respect for law and reverence for religion. But the ablest advocate of the freedom of conscience in the French language—Alexander Vinet, of Lausanne, a descendant of the Huguenots, combined a clear and strong intellect with profound evangelical piety, and his views on the subject are generally held by Protestant Christians in France.

CHAPTER VI.

TOLERATION IN ENGLAND.[1]

Comparison of the English Toleration Act with the Westphalia Treaty and the Edict of Nantes.

We now come to the English Act of Toleration, which was passed four years after the Revocation of the Edict of Nantes, under the reign of William III., the greatest enemy of Louis XIV. It is directly connected with American history. It differs from the Westphalia Treaty, and the Edict of Nantes, in the following particulars:

1. The Toleration Act of 1689 proceeded from a Protestant government identified with the Episcopal Church, and was the result of an unbloody Revolution; while the Westphalia Treaty was an agreement between Roman Catholic and Protestant States, after the bloody Thirty Years' War, and the Edict of Nantes was the grant of a Roman Catholic king, in time of peace, to his Protestant subjects, formerly his associates in religion and arms.

2. It was a concession made by Episcopalians to orthodox Protestant Dissenters, but it expressly excluded the Romanists; while the Westphalia Treaty put Romanists, Lutherans, and Calvinists (German Reformed) on a legal equality, and the Edict of Nantes kept the Roman Church in possession of all the privileges of a State Church, but granted to the Calvinists full civil rights and a limited freedom of public worship.

[1] In this chapter I have, by the kind permission of the London publisher, incorporated, with some changes, the greater part of an essay on *The Toleration Act of 1689*, which I prepared for the Pan-Presbyterian Council, held in London, July 3–12, 1888, and which was published by James Nisbet & Co., 21 Berners Street, London, 1888 (59 pages).

3. It was gradually extended in the direction of full religious liberty, like the Westphalia Treaty; while the Edict of Henry IV. was revoked by his grandson, though its principle ultimately triumphed in modern France.

The English Toleration Act presents in the shape of a legal settlement the final outcome of the struggles between Popery and Prelacy, and between Prelacy and Puritanism, which constitute the two periods of the English Reformation. First Popery was overthrown, and Episcopacy, with the royal supremacy, was established from Henry VIII. to Elizabeth; then Episcopacy was overthrown by Scotch Presbyterianism and English Puritanism, culminating in the Westminster Assembly and the Protectorate of Cromwell. At last a compromise was effected between Episcopacy as the national Church and the dissenting Protestant denominations as tolerated Sects.

English Intolerance.

In England the Roman code of laws, with its persecuting provisions against heresy, had not so much influence as on the Continent, where it passed from the Byzantine Empire to the German Roman Empire and other countries.

The first important person that was persecuted for heresy in England was John Wiclif, the translator of the Bible. He was permitted to die in peace in his parsonage at Lutterworth (1384), but by order of the Council of Constance (1414) Bishop Fleming, of Lincoln, had his bones dug up and burnt, and his ashes thrown into that brook which, in the well-known language of Thomas Fuller, "conveyed them into Avon, Avon into Severn, Severn into the narrow seas, they to the main ocean, and thus the ashes of Wiclif are an emblem of this doctrine, which now is dispersed all the world over." Five hundred years after the completion of Wiclif's translation of the Bible, his memory was celebrated on five Continents![1]

[1] See Dr. R. S. Storrs' learned and eloquent oration on *John Wycliffe and the English Bible* (New York, 1880, 88 pages), delivered at the semi-millennial celebration by the American Bible Society.

Parliament, at the instigation of Arundel, who became Archbishop of Canterbury in 1396, passed the statute, *De hæretico comburendo*, in 1401, which gave the bishops authority to arrest, imprison, and try heretical preachers and their supporters, and to hand them over to the sheriff to be burnt. Arundel made an example of the heretical clerk Sawtre, who was executed during the session of Parliament prior to the passing of the Act.[1]

This cruel enactment remained on the statute-book till the reign of James I., in which Legate and Neile were burnt for Arianism.

During the Reformation period in England, the instinct of national unity overruled the disintegrating tendencies of religious controversy, while on the Continent the reverse was the case. Hence the nation followed the religion of the ruler, who claimed absolute supremacy of jurisdiction in matters ecclesiastical as well as civil.

Under the reign of Henry VIII., Protestant and Roman Catholic Dissenters were burnt or beheaded alike according to the changing moods of that despot, who substituted a domestic for a foreign papacy. He was in his later reign the embodiment of arbitrary despotism. At his death (1547) the Bloody Articles were still in force, by which those who denied the doctrine of transubstantiation were to "suffer execution by way of burning."

Under his son Edward VI. (1547–1553), the Bloody Articles were repealed, but two persons—Joan of Kent and George van Pare—were burnt for heresy in Smithfield.

The re-introduction of Popery under Bloody Mary (1553–1558) is the period of Protestant martyrdom, which left an indelible impression of abhorrence of Popery on the English mind.

But the Protestant sovereigns who followed her, Queen Elizabeth and the three Stuarts, practised the same intolerance, only with less cruelty. Their aim was to secure absolute uniformity of religion and public worship, to the exclusion of all Dissent, whether Roman Catholic or Prot-

[1] W. Stubbs, *The Constitutional History of England*, Vol. III., 33, 384 *sq.*

estant. Public opinion sustained them. Even Lord Bacon, in his essay on *The Unity of the Church*, thought that uniformity in religion was absolutely necessary to the support of government, and that no toleration could with safety be given to sectaries.

The penal code of Elizabeth was chiefly aimed at the Roman Catholics, in self-defence against Pope Pius V., who excommunicated and deposed her as a bastard and a heretic (1570). They formed in her reign at least one third of the population, and might, with the aid of Spain and France, and of Queen Mary of Scotland, easily have overthrown her power; but Providence came to her rescue by the defeat of the Spanish Armada (1588).

The Puritans during their ascendancy were likewise intolerant in principle, though less in practice. Their worst act was the ejection of two thousand ministers from their livings for not conforming to their discipline. The Westminster Assembly attempted to frame a creed for England, Scotland, and Ireland, and declared that dangerous heretics "may lawfully be called to account and proceeded against by the censures of the Church, and *by the power of the civil magistrate*."[1]

Toleration was regarded as indifference or treason to truth, dangerous to government, and pernicious to religion and good morals. The Mosaic laws against idolatry and blasphemy were transferred, as binding, to the dispensation of the gospel, and the civil magistrate was clothed with authority over the first as well as the second table of the Ten Commandments.[2]

Cromwell and Milton, and the five Independents in the

[1] *Westminister Confession of Faith*, XX., 2, 4. The last clause is justly omitted in the American recension of the *Confession*.

[2] On the lively discussions concerning toleration during the Westminster Assembly, see Schaff, *Church History*, VI., 74 *sqq*. Hallam (III., 169) quotes from a pamphlet of 1681, entitled *The Zealous and Impartial Protestant*, the following sentence: "Liberty of conscience and toleration are things only to be talked of and pretended to by those that are under; but none like or think it reasonable that are in authority. . . . It is not consistent with peace and safety without a standing army; conventicles being eternal nurseries of sedition and rebellion."

Westminster Assembly had more advanced views on the liberty of conscience than the Episcopalians and Presbyterians; but even they excluded Papists, Prelatists, and Unitarians from their programme of toleration. Milton excluded Papists on the ground that their worship was idolatrous, and idolatry was forbidden in the Old Testament. The Puritans established in New England an exclusive Congregational theocracy, and in Massachusetts the union of Church and State lasted longer than in any of the United States. Quakers and witches were condemned to death and executed in Boston and Salem.

The Baptists and Quakers alone (and Protestant denominations of later date) were consistent advocates of universal toleration, and put it into their creeds. They never persecuted, and, fortunately for them, they never had a chance to resist the temptation to which our selfish and ambitious human nature is exposed when clothed with authority and power.

All persecuted parties and sects, however, plead for toleration and liberty under persecution, and thus approve a principle which they usually repudiate when in power. Churchmen were not behind the Puritans in this respect. One of the most eloquent defences of religious liberty is Bishop Jeremy Taylor's *Discourse on the Liberty of Prophesying*, which he wrote while in exile to prove "the unreasonableness of prescribing to other men's faith, and the iniquity of persecuting different opinions." He calls to his aid Tertullian, Cyprian, Minutius Felix, Lactantius, Hilary, Athanasius, and other Church fathers, who loudly called for liberty in the times of heathen and Arian persecution. He regards all as Christians who hold the fundamental truths and believe in the Apostles' Creed. He very properly included the Roman Catholics. But when Episcopacy was restored, he partly repudiated his liberal views, and apologized for the publication of his book. "Consistency, thou art a jewel."

Enactments against Dissenters.

Let us briefly review the intolerant Acts of Parliaments preceding the Revolution of 1688. They are repugnant to

every sense of justice and humanity, not to speak of Christian charity; and there is not a living Englishman, with his head and heart in the right place, who would advocate their restoration. They can only be explained from the unfortunate mixture of religion with politics, and the supposed or real danger of foreign aggression and internal disorder.

The Uniformity Acts of 1549, 1559, and 1662 prescribed the use of the Book of Common Prayer, by all ministers on penalty of forfeiture of stipend and six months' imprisonment, with heavier punishments for second and third offences (1549); they prohibited, under pain of forfeiting goods and chattels for the first offence, of a year's imprisonment for the second, and of imprisonment during life for the third (enforced by death if the offender should return), the use by a minister, whether beneficed or not, of any but the established liturgy, and imposed a fine of one shilling on all who should absent themselves from church on Sundays and holydays (1559); they deprived all ministers of their livings, who refused assent to the liturgy by St. Bartholomew's Day (1662), and required for the future all applicants for any benefice to make a declaration of passive obedience to the King, and to deny the binding force of the *Solemn League and Covenant*. In consequence of this Act more than 2,000 ministers, whose consciences did not allow them to conform to the Book of Common Prayer, were ejected from their places on St. Bartholomew's Day in 1662.

The Corporation Act of 1661 (13 Car., II., st. 2, c. 1) required all officers of corporations, besides taking the oaths of allegiance, supremacy, and non-resistance, and abjuring the *Solemn League and Covenant*, to receive, within one year of their appoinmtent, the sacrament of the Lord's Supper according to the rites of the Church of England. The Act was not repealed till 1828.

The Test Act of 1672 (25 Car., II., c. 2) enforced upon all persons holding any office under the crown, civil or military, besides taking the oaths of allegiance and supremacy, a declaration against transubstantiation, and the obligation of receiving the sacrament within three months after admit-

tance to office. In 1678 (30 Car., II., st. 2) all peers and members of the House of Commons were required to make a declaration against transubstantiation, the invocation of saints, and the sacrifice of the Mass. The Test Acts were aimed chiefly against Roman Catholics, and remained on the statute-book till 1829.

The University Test Acts required subscription to the Thirty-nine Articles, and compulsory attendance at public worship in the Church of England at the Universities of Oxford, Cambridge, and Durham, and were not removed till 1871.

The Conventicle Act of 1664 (16 Car., II., c. 4) punished by fine, imprisonment, and transportation to the colonies, any person over sixteen years of age for attending a religious meeting of more than five persons not in accordance with the ritual of the Church of England. In the event of his return the offender was doomed to death. This barbarous law was enacted within three years after Charles II. had solemnly promised liberty of conscience.

The Five-Mile Act of 1665 (17 Car., II., c. 2) prohibited all non-conforming ministers, under a penalty of forty pounds, from coming within five miles of any corporate town, and from teaching in any public or private school. It was aimed at depriving the ejected clergy of their means of livelihood by preaching or teaching, and starving them into submission or death.

Under the operation of these Acts many of the purest and holiest men that England produced, such as Richard Baxter and John Bunyan, were crowded in dark and filthy dungeons, called prisons, with profligate and ferocious criminals, and exposed to extreme sufferings of cold, hunger, or nakedness; so that death, which frequently occurred before the trial, was hailed as a merciful deliverance. It was affirmed at the time, by William Penn, that during the short period of the Restoration "more than five thousand persons died in bonds for matters of mere conscience to God." Thousands of others fled to Holland or across the sea.

The Presbyterians of Scotland fared still worse than the

English Dissenters under the Restoration, which had been brought about by their aid. Episcopacy and the English liturgy were forced upon the people, and Presbyterianism was persecuted with heartless cruelty, almost equal to that of the dragoons whom Louis XIV. let loose upon the Huguenots.

This was the state of English ecclesiastical legislation when the "glorious" Revolution of 1688 broke out, and made an end of the treacherous reign of the Stuarts, who, like the Bourbons, "never learned and never forgot any thing."

The Last Stuarts.

Charles II. (1660–1685), a bright and witty, but frivolous, unprincipled, unscrupulous, unreliable, and sensual tyrant, without honor and without shame, introduced the period of the Restoration, which from Puritan rigor and severity swung to the opposite extreme of semi-popery in religion, libertinism in morals, and servility in politics. When told that he "never said a foolish thing but never did a wise one," he wittily charged his ministers with the foolish acts, while he claimed the words as his own. He left no legitimate issue, but a dozen bastards. He signed the Scotch Covenant and ejected the Presbyterian clergy in England after they had helped him to the throne, and persecuted them in Scotland. He swore to maintain the Episcopal Church and secretly joined the Church of Rome, while signing severe laws against her. He took pay from the bigoted Louis XIV., the persecutor of the Huguenots, that he might reign more absolutely and be independent of Parliament. On his deathbed, surrounded by the children of his mistresses, he abjured Protestantism and received absolution from the lips of a priest named Huddleston, who had saved his life after the battle of Worcester.

James II., his younger brother and successor (1685–1688), was a better but a weaker man, less criminal but more unfortunate. He presents a striking example of those whom the gods make mad before they destroy them. His reign was an unbroken series of fatal blunders. He had, as Duke of York, openly joined the Roman Church, in 1669,

and was obliged to resign his office as Lord High Admiral, after the passage of the Test Act (1672). Nevertheless, he took the oath on the constitution, and promised to "preserve this (English) government, both in Church and State, as it is now established." But the word of a Stuart was as unreliable as the wind. His acts contradicted his promises. His desire to secure toleration for his fellow-Catholics was natural and laudable, and might have succeeded if he had done it by constitutional means and with due regard for the rights of the national Church. But he made every effort to introduce Popery and despotism, and relied on the aid of Louis XIV., who, in the first year of James' reign, had revoked the Edict of Nantes. "To his policy," says Macaulay, "the English Roman Catholics owed three years of lawless and insolent triumph, and a hundred and forty years of subjection and degradation." He publicly attended the illegal celebration of mass; he appointed, in spite of the Test Act, secret and open Romanists to offices in the army and navy, in the universities, on the bench, and in the privy council; he sent an agent to Rome to promote the restoration of Popery; he received a Papal Nuncio at court; he treated the laws against Papists as null and void; he forbade the clergy to preach against "the King's religion," and used his ecclesiastical supremacy as a weapon for undoing the work of his Protestant predecessors. He disregarded even the Pope's counsel of moderation. In April, 1687, he suspended, by a usurpation of prerogative, the operation of the penal laws against all Nonconformists, and every Act imposing a religious test as a qualification for office, and promised, at the suggestion of Penn, the Quaker, but with the sole view of benefiting his own Church, to establish universal liberty of conscience for all time; hoping thereby to gain the good-will of the Protestant Dissenters.[1] But their

[1] Sir James Mackintosh, *History of the Revolution in England in 1688* (London, 1834, p. 155): "The declaration of indulgence had one important purpose beyond the assertion of prerogative: the advancement of the Catholic religion, or the gratification of anger against the unexpected resistance of the Church. It was intended to divide Protestants, and to obtain the support of the Nonconformists."

leading men—Baxter, Howe, and Bunyan—refused an indulgence proceeding from the arbitrary will of a monarch without a regular Act of Parliament. He dissolved a disobedient Parliament, and called a new one. He was obstinately determined "to lose all or to win all."

The Revolution of 1688.

The bloodless Revolution of 1688 was a revolt of the English nation against the political and spiritual despotism of Charles II. and James II. All parties in Church and State, the nobility, the gentry, the universities, Episcopalians and Dissenters, the army and the navy were alarmed, and combined against a common danger. They deposed James, and called the Protestant Prince William of Orange, the husband of his oldest daughter, and Stadtholder of Holland, from the Hague for the protection of English liberty and the Protestant religion.

William landed with an army of about 14,000 men, including many exiled Huguenot soldiers, and was received with popular enthusiasm. William and Mary were elected joint sovereigns by both Houses of Parliament, February 13th, and crowned at Westminster, April 11, 1689.[1]

James, forsaken by his people and his own children, sought safety in flight to France; was received with great honor by his congenial friend, Louis XIV., and spent the remainder of his life in fruitless intrigues for the recovery of his crown till his death (September 16, 1701).

From this time dates the secession of the "Nonjurors," or Jacobites, who adhered to James II., and to his son, James III., called the "Old Pretender," who died in Rome, January 2, 1766.

[1] The popular date for the English Revolution is 1688. At that time the civil year in England began on the 25th of March, the day of the Annunciation, according to a mode of reckoning introduced in the 12th century, and continued till the reformation of the calendar, in 1752. The historical year always began with the 1st of January; the liturgical or ecclesiastical year, with the 1st Sunday in Advent.

William III.

William of Orange (1650–1702) was brought up in the teaching of the Heidelberg Catechism and the Canons of Dort. He was a Calvinist in doctrine, but a latitudinarian in worship and discipline, and had imbibed the spirit of toleration from the Arminians. He strongly believed in Divine fore-ordination, and told Bishop Burnet, who knew him well, that "he did not see how the belief of Providence could be maintained upon any other supposition."[1] He was in favor of a simple worship, and had moderate views on Church polity. Hence he easily exchanged Presbytery for Episcopacy. "He was," says Burnet, "an attentive hearer of sermons, and constant in his private prayers and reading the Scriptures." He was cold, reserved, grave, and self-possessed; fond of hunting, brave, and an able commander.

He had promised to bring about "a good agreement between the Church of England and all Protestant Dissenters." He kept this promise. Burnet says that the Bill of Toleration gave him "great content. He, in his opinion, always thought that conscience was God's province, and that it ought not to be imposed on; and his experience in Holland made him look on toleration as one of the wisest measures of government. He was so true to his principle herein that he restrained the heat of some who were proposing severe acts against Papists."[2] Hallam calls William "almost the only consistent friend of toleration in his kingdom."[3] Macaulay judges him to have been endowed by nature with "the qualities of a great ruler," which "education developed in no common degree." Prince Albert pronounces him "the greatest sovereign England has to boast of; by whose sagacity and energy was closed that bloody struggle

[1] Burnet, *History of his own Time*, Vol. III., p. 125 (Oxford ed., 1823). Macaulay says that "the tenet of predestination was the keystone of his religion."

[2] *History*, etc., Vol. IV., p. 21.

[3] *Constit. Hist.*, Vol. III., p. 332. Dr. Stoughton (*History of Religion in England*, revised ed., London, 1881, Vol. V., p. 5) says: "Toleration was the ruling idea of his mind; and he blamed the Church of England for alienating itself from other Communions."

for civil and religious liberty which so long had convulsed this country, and who secured to us the inestimable advantages of our constitution and of our Protestant faith." [1]

The Bill of Comprehension.

Two schemes were introduced into the first Parliament of William and Mary with the view to settle the Church question — the scheme of Comprehension and the scheme of Toleration. The first failed, the second succeeded. Both had been repeatedly taken up and as often laid down during the reign of Charles II.

The measure of Comprehension, entitled, "A Bill for uniting their Majesties' Protestant subjects," aimed to make the Church of England as wide as the nation, and to bring all the Protestants within its fold. It was favored by Sancroft, Archbishop of Canterbury, introduced by the Earl of Nottingham, and passed the House of Lords, April 8th, without consulting the clergy, but was coldly received and defeated in the House of Commons, which consisted mostly of Episcopalians and a few Presbyterians. The Churchmen were unwilling to lower their standards for the convenience of Dissenters; and the Dissenters—especially the Independents, Baptists, and Quakers — disapproved Episcopacy, liturgical forms and ceremonies, and some of them the principle of Church Establishment. Only a few of the leaders, like Philip Henry, Richard Baxter, Bates, and Howe, would have accepted Comprehension *salva conscientia*, to restore the unity of the Church. The Comprehension scheme was afterwards revived in Convocation by Archbishop Tillotson and the Latitudinarians, on the basis of a distinction between fundamental and non-fundamental truths, but it failed, and was indefinitely abandoned.

[1] In a speech at the third jubilee of the "Society for the Propagation of the Gospel in Foreign Parts," June 19, 1851. For an admirable portraiture of William's character see L. von Ranke, *History of England*, Vol. V., p. 298 *sq.* (Oxford ed.). He calls William "an international nature; by origin a German Prince, the son of an English mother, the husband of an English Princess; by old blood relations and religion attached to French Protestantism, and by his ancestors' services, and by inherited claims, belonging to the Republic of the United Netherlands."

The Act of Toleration, A.D. 1689.

The Bill of Toleration passed with little difficulty, "though not without murmurs of the bigoted Churchmen." [1] It received the royal assent May 24, 1689, and thus became a law. The Puritan divines thronged to the quarter-sessions of every county to swear and sign. Baxter signed the Act with a declaration that, while he approved the doctrine of the Athanasian Creed, he did not mean to assent to the damnatory clauses, nor to condemn sincere and virtuous unbelievers. Many of the Dissenting ministers in London expressed their concurrence in these liberal and charitable sentiments.

The Act of Toleration left the Church of England unchanged, and in possession of all her endowments, rights, and privileges, but it limited her jurisdiction, so that she ceased from that time on to be coëxtensive with the nation. It gave the orthodox Protestant Dissenters, under certain conditions and restrictions, a legal existence, and the right of public worship and self-government, dependent upon self-support (for these two are inseparably connected). Its benefit extended to Presbyterians, Independents, Baptists, and Quakers, but to no others. It stopped the persecution against them, but not against Unitarians and Roman Catholics, who are expressly excluded from the benefit of the Act by Section XVII.

The Act is not called an Act of Toleration at all; but simply "An Act for exempting their Majesties' Protestant subjects dissenting from the Church of England from the penalties of certain laws," and defines its object to give "some ease to scrupulous consciences in the exercise of religion." It did not exempt them from "paying of tithes

[1] So says Hallam (III., 170), who adds: "The High-Church pamphlets of the age grumble at the toleration." Unfortunately, the Parliamentary debates of the period are mostly lost. Reporters were proscribed. "What little of the debate," says Stoughton (*l. c.*, Vol. V., 91), "has been preserved shows it to have been brief, desultory, and superficial—not dealing with any great principles, but only discussing details, with an outburst now and then of ill-temper." It was proposed by some that toleration should be granted only for seven years, and that the Dissenters be put on their good behavior, but that proposal was rejected.

or other parochial duties, or any other duties to the Church or minister" (Section VI.). It did not repeal any of the statutes of uniformity or conformity to the Church of England which were passed under the Tudors and Stuarts against every kind of Dissent, whether Protestant or Papal, under heavy penalties. But it exempted all persons from these penalties who took the oaths of allegiance and supremacy, and subscribed thirty-six and a half of the Thirty-nine Articles of Religion, and a declaration against the doctrine of transubstantiation. The Articles from which they were exempt are the 34th, 35th, and 36th, and a part of the 20th. They refer to the distinctive order and usages of the Episcopal Church, and are ecclesiastical and ritualistic, rather than doctrinal, but offensive to the Puritans.

The Baptists were also exempted from the 27th Article, which teaches that "the baptism of young children is in any wise to be retained in the Church, as most agreeable with the institution of Christ."

The Quakers were not required to subscribe the Articles at all, but instead of it to make a declaration of faith in the Holy Trinity and the Divine Inspiration of the Scriptures.

Upon these conditions, Dissenting ministers were authorized, for the first time in English history, to preach and to administer the sacraments in public meetings—though only with open doors. The shield of protection was thrown over their acts of worship, and every interruption made a punishable offence.

The Act of Toleration falls far short of our modern ideas of religious liberty, and by its limiting and exclusive clauses may be termed rather an Act of Intolerance against Unitarians and Roman Catholics. It assumes the authority of the civil magistrate to prescribe and regulate the religious opinions of Englishmen. It disclaims the principle of religious freedom. It describes the Dissenters whom it was to benefit, as persons of "*scrupulous* consciences," and their ministers as "persons in *pretended* holy orders or *pretending* to holy orders."

Nevertheless, the Act was a very important step towards

freedom, and led to it with irresistible force. It annunciated no principle, but simply met an actual grievance. To an abstract theorist it is, as Macaulay says, "a chaos of contradictions and absurdities"; but it was, nevertheless, as he admits, wise and beneficial. It combines the practical advantages and theoretical defects of English legislation as distinct from French legislation. It was adapted to the actual condition and wants, but aimed no higher; it dealt with facts, not with principles; it provided an immediate remedy, but no final solution. The abstract idea of religious liberty was foreign to that age. "A bill of religious liberty," says Macaulay, "would have been burned by the mob in half the market-places of England, and would have made the very name of Toleration odious to the majority of people." But a long and sad experience had taught the English people that it was impossible to make all men of one mind, and to force them into the same creed and mode of worship. Uniformity had been tried and found wanting. Something had to be done to relieve the consciences and remove the grievances of those who could not honestly conform to a religion prescribed by the State and kept up by continued persecution. Moreover, the common danger of Popery had made all parties of Protestants to combine against it. The Act was a half-measure, but half a loaf is better than no bread. It answered the existing want, and reached its end for the time; while a more sweeping act would have shocked the prejudices of the overwhelming majority of both Churchmen and Dissenters.

Under this view, the Act of Toleration, as far as it went, was really a great blessing, and the only measure of religious liberty which the age and most men of that age needed and desired. It put a stop to persecution, which had disgraced England for four generations, which had cost many precious lives, wrought untold sufferings, and sent thousands of good and useful men to loathsome prisons, or across the Atlantic to the wild woods of America. Even the Church of England reaped great benefit; for what she lost in extent was more than made up by the gain of release from the

odium of persecution and political complications. She could now follow her proper spiritual vocation, and commend herself to the people by her intrinsic merits and virtues.

Judgments of Historians.

All the leading Protestant historians of England represent the main features of the Toleration Act as a great advance in liberty and civilization.

Bishop Burnet says:—"The clergy began to show an implacable hatred to the Nonconformists, and seemed to wish for an occasion to renew old severities against them. But wise and good men did very much applaud the quieting the nation by the Toleration. It seemed to be suitable, both to the spirit of the Christian religion and to the interests of the nation. It was thought very unreasonable that, while we were complaining of the cruelty of the Church of Rome, we should fall into such practices among ourselves; chiefly, while we were engaging in a war, in the progress of which we would need the united strength of the whole nation."[1]

Henry Hallam:—"The Revolution [of 1688] is justly entitled to honor as the era of religious, in a far greater degree than of civil liberty; the privileges of conscience having had no earlier Magna Charta and petition of right whereto they could appeal against encroachment. . . . We may justly deem this Act a very scanty measure of religious liberty; yet it proved more effectual through the lenient and liberal policy of the eighteenth century."[2]

Sir Thomas Erskine May:—"The Toleration Act, whatever its shortcomings, was at least the first recognition of the right of public worship, beyond the pale of the State Church. It was the great charter of Dissent. Far from granting religious liberty, it yet gave indulgence and security from persecution. The age was not ripe for wider principles of toleration."[3]

[1] *History of his own Time*, Vol. IV., 21.

[2] *Constitutional History of England from Henry VII. to George II.*, Ch. XV. (London, eighth ed., Vol. III., pp. 168 and 171).

[3] *The Constitutional History of England since the Accession of George III. 1760–1860*, seventh ed., London, 1882, Vol. III., 78 *sq.*

Lord Macaulay calls the Toleration Act "the great charter of religious liberty." [1]

W. E. H. Lecky:—"The Toleration Act, though very imperfect according to our present notions, is justly regarded as the Magna Charta of religious liberty. . . . While the Toleration Act and the establishment of the Scotch Kirk gave virtual freedom of worship to all Protestants, the abrogation of the censorship established freedom of discussion. The battle was thus won. Intolerance became an exception and an anomaly, and it was simply a question of time how soon it should be expelled from its last entrenchments." [2]

Canon Perry (Episcopalian):—"The Toleration Act, much needed and long delayed, received the royal sanction May 24th, and by it a crying grievance to a great portion of the king's subjects, and a sore stumbling-block and cause of offence to the Church, was taken away." [3]

Dr. Stoughton (Independent):—"The Act afforded to all Protestants, with few exceptions, a legal protection in carrying out their systems of doctrines, worship, and discipline. It threw the shield of law over every religious assembly with open doors. To interrupt the Independent, the Baptist, the Quaker, in the service of God, became a criminal offence. By shielding Dissent, the law, though of course not endowing it, might also be said, in a certain sense, to establish it. It left national emoluments to Episcopalians; but it secured as much religious freedom to other denominations as to them. Nay, it secured more, a consequence necessarily resulting from the difference in relation to the State between voluntary churches and one nationally endowed. . . . From the moment that William gave his assent to the Act, the Established Church ceased to be national in the sense it had been before. It could no longer claim all Englishmen, as by sovereign right, worshipers within its pale." [4]

[1] *History of England*, Ch. XI., Vol. II., 461 *sqq*.

[2] *History of Rationalism in Europe*, London, seventh ed., 1875, Vol. II., 83, 84.

[3] *History of the English Church*, second period, p. 544.

[4] *History of Religion in England*, revised ed., Vol. V., 96.

The Philosophy of Toleration.

JOHN LOCKE.

The spirit of the Toleration Act is best represented by John Locke, who may be called the philosopher of English toleration. The first of his four *Letters on Toleration* was published in Latin at Tergon (Gauda), Holland, 1689 (*Epistola de Toleratione*), and at once translated into Dutch and French. The second letter was published in 1690; the third in 1692, without his name; the fourth is not dated.[1] These letters, therefore, could not have influenced the legislation of 1689; but they expressed the sentiments of the liberal men of the same age, and went a step in advance of the Act.

Locke was born of Puritan parents, educated at Oxford under Dr. Owen, a friend of Leclerc, Limborch, and other Dutch Arminians, and nominally a member of the Established Church, but attended the ministry of a lay preacher. In religion he was a disciple of Chillingworth, in politics he followed Harrington. His principles would have consistently made him a Dissenter, and a champion of the complete separation of Church and State, but not of religion and the State. He was a believer in a Protestant Christian nation. For he excluded from toleration atheists on religious grounds, and Papists on political grounds. The former can have no regard for oaths and divine commands, which are the bonds of human society. "The talking away of God," he says, "though but even in thought, dissolves all." Roman Catholics are dangerous to the State, because they exclude all who differ from them, as heretics, and claim the power of the Pope to depose kings and to dissolve subjects from their allegiance.

Within these limits, Locke proves both the equitableness and practicableness of toleration. He identifies it with charity, as the chief characteristic of the Christian Church (I Cor. ch. 15), in opposition to ambition and love of power over one another (Luke 22 : 25, 26). He draws a sharp distinction between Church and State, and carries it almost to

[1] The four letters on Toleration make up the sixth volume (546 pages) of his *Works* in 10 vols., 11th ed., London, 1812.

the point of separation. The State, he teaches, has jurisdiction only over civil and temporal affairs. The care of souls is not committed to it. It has no authority to impose creeds or to punish errors in religion ; it can only punish the transgressions against society. No man can, if he would, conform his faith to the dictates of another. True religion consists in the inward persuasion of the mind, without which nothing can be acceptable to God. The anonymous preface calls for more than toleration and comprehension, the first of which will but palliate, the second increase, the evil. It demands "absolute liberty, just and true liberty, equal and impartial liberty."

In a letter to Limborch, dated June 6, 1689, Locke says of the Act of Toleration: "You have no doubt heard before this time that toleration is at length established by law, not perhaps to the extent which you, and such as you, sincere, and candid, and unambitious Christians, would desire; but it is something to have proceeded thus far. By such a beginning I trust that those foundations of peace and liberty are laid on which the Church of Christ was at first established. None are entirely excluded from freedom of worship, nor subjected to punishment, except the Romanists, if they only will swear the oath of fidelity, and renounce transubstantiation and certain dogmas of the Roman Church. Of the oaths the Quakers are dispensed." [1]

Limborch, to whom this letter is addressed, was a famous Arminian Divine in Holland, and a strong advocate of toleration. He shows in the first chapter of his *Historia Inquisitionis* (Amsterd., 1692) that Christ, the Apostles and ancient fathers before the Council of Nicæa, and even St. Augustin before his controversy with the Donatists, were opposed to religious persecution. About the same time Thomasius, Professor of Law in Halle, defended toleration in his program, *De Tolerantia Dissidentium in Religione*, 1690. He was in sympathy with the Pietistic leaders, Francke and Spener, and one of the promoters of modern civilization by his effective opposition to intolerance, the trials of

[1] *Familiar Letters.* See the original Latin in his *Works*, Vol. X., p. 23.

witchcraft, and the torture. He also introduced the use of the vernacular language instead of the Latin as the medium of academic instruction.

Locke's view on toleration with the same limitation was maintained fifty years later by Bishop Warburton in his treatise on the *Alliance of Church and State*,—namely, that the State has no control over religious errors as such, but must hold to the being of a God, a Providence, and a natural difference of moral good and evil.

Paley, in his *Moral and Political Philosophy* (1785), goes further than Locke, and advocates the liberation of Roman Catholics.

The English philosophers of toleration differ from the French by their religious tone and respect for Christianity. The English freethinkers—Herbert, Hobbes, Bolingbroke—were opposed to toleration, and favored a despotic government. Hobbes was the most unflinching teacher of an absolute despotism of the State, which implies an unlimited power of persecution. Hume calls toleration a "salutary practice," but a "paradoxical principle." The assertion is frequently made that toleration is the child of skepticism and unbelief, while intolerance is the necessary consequence of strong conviction. This is the opinion of Romanists, who condemn toleration, and of Rationalists, who approve it. We hold that religious liberty is as old as Christianity itself, and always had its defenders in times of persecution, as it has now in times of peace.

Progress of Toleration in England.

The chief defect of the Toleration Act was the express exclusion of Unitarians and Roman Catholics; but this defect has been mended by subsequent legislation.

Emancipation of Unitarians.

The Socinians, who deny the tri-personality of the Godhead and the eternal Divinity of Christ, could not subscribe the first two and the fifth of the Thirty-nine Articles, nor the eighth, which recognizes the Nicene and Athanasian

creeds. They were regarded by orthodox Dissenters as well as by the Churchmen as heretics who deny fundamental truth. Dr. South traced their pedigree "from wretch to wretch back to the Devil himself." Dr. Joseph Priestley was attacked by a barbarous mob at Birmingham (1791) and emigrated to America, where he died (1804), generally esteemed for his services to science and for his blameless life.

But during the course of the eighteenth century the descendants of those Presbyterians who in the sixteenth and seventeenth centuries had justified wholly, or in part, the burning of Servetus, gradually and imperceptibly were infected with Arminian and Socinian sentiments, and most of their congregations, with their property, passed into the hands of Unitarians.

From that time the Unitarians found advocates in Parliament in the great Whig statesman and orator, Charles James Fox, and William Smith. The first attempt to secure toleration for them was defeated by Burke and Pitt, but in 1813 their claim was admitted.

Persecution and Emancipation of Roman Catholics.

The Roman Catholics, who once ruled England and excluded all other creeds, had to wait longest for the recognition of their rights, on account of their intolerant principles and the political suspicions resting on them. The English people could not forget for a long time the horrors of the Marian persecution, the burning of the Reformers at Oxford, the Popish plots to assassinate Queen Elizabeth, whom Pius V. had excommunicated and deposed, the gunpowder conspiracy of Guy Fawkes, and the Mediæval and Jesuitical doctrine of the power of the Pope over civil rulers. Continental events, such as the massacre of St. Bartholomew's Day, the murder and assassination of William of Orange and Henry IV., the Revocation of the Edict of Nantes, and the terrible calamities of the Thirty Years' War, also had a powerful effect upon public opinion, and strengthened the hatred and fear of Popery. It was regarded as the sworn enemy of liberty in Church and State. This sentiment has by no means died

out yet in Protestant lands, and is confirmed from time to time by official deliverances of the papal chair, such as the Syllabus of 1864.

It is only in view of these facts that we can understand, although we would not justify, the cruel laws enacted against the Romanists under Queen Elizabeth and her successors. James I. denied them the right to educate their children in the faith which was the faith of his own mother. Even Cromwell, Milton, and Locke, as we have already mentioned, excluded them from toleration. The close connection of the despotism of the last Stuarts, with the attempt to reintroduce Popery, made the condition of its followers even worse after the Revolution than it was before. They sympathized with the expelled dynasty, and became political rebels in arms. To tolerate the Jacobites seemed fatal to the independence of the kingdom, as well as to the cause of the Protestant religion. Jacobitism lingered in England and Scotland till the death of the ill-fated Charles Edward, "the Young Pretender," who made the last attempt to restore, by force of arms, the dynasty of the Stuarts and the religion of the Pope. He died at Rome, January 30, 1788.

In 1700, Parliament passed a cruel Act, which offered a reward of a hundred pounds for the discovery of any Romish priest performing the offices of his Church; incapacitated every Roman Catholic from inheriting or purchasing land, unless he abjured his religion upon oath; and even prohibited him from sending his children abroad to be educated in his own faith.[1]

The Catholics in Ireland fared still worse than in England. They were in arms for the exiled James II. Defeated by the sword, they were condemned to proscription and outlawry. The laws of oppression enacted against them during the reigns of William III. and Queen Anne intensified that double hatred of race and religion which has been the curse of Ireland and the shame of England ever since. "No Papist," says Hallam, "was allowed to keep a school,

[1] May, *l. c.*, III., 79, and Butler's *Hist. Mem. of Catholics*, III., 134–138, 279.

or to teach any in private houses, except the children of the family. Severe penalties were denounced against such as should go themselves or send others for education beyond seas in the Romish religion. . . . Intermarriages between persons of different religion, and possessing any estate in Ireland, were forbidden; the children, in case of either parent being Protestant, might be taken from the other, to be educated in that faith. No Papist could be a guardian to any child. . . . Papists were disabled from purchasing lands, except for terms not more than thirty-one years, at a rent not less than two-thirds of the full value. . . . No Papist was permitted to retain arms, and search might be made at any time by two justices. Regular priests, bishops, and others claiming jurisdiction, and all who should come into the kingdom from foreign parts, were banished on pain of transportation. . . . Priests were forbidden to leave their own parishes. . . . Rewards were held out to informers who should detect the violations of these statutes. . . . To have exterminated the Catholics by the sword, or expelled them, like the Moriscoes of Spain, would have been little more repugnant to justice and humanity, but incomparably more politic." [1]

But as the political danger to England and all prospects of re-Romanizing the nation passed away, public opinion underwent a slow and steady change in favor of the civil and religious rights of Roman Catholics. Such men as Fox, Burke, and Sir G. Savile sympathized with their grievances. The execution of the cruel laws against them in several notable cases made these laws hateful. The first measure of relief was passed in 1778, notwithstanding the "No Popery" cry which resounded in the streets. Other measures of relief followed from time to time.

At last they were set free by the Catholic Emancipation Act of 1829, under the reign of George IV. (10 George IV., c. 7). The measure was introduced by the great statesman, Sir Robert Peel, into the House of Commons, March 5, 1829, and defended as a necessity in a speech of four hours.

[1] *Const. History*, III., 396 *sq.* (N. York ed., III., 381 *sq.*)

The Duke of Wellington justified it in the House of Lords, as a means of averting a civil war. The ultra-Protestant sentiment of the land raised a loud protest, but was overcome by the more liberal and intelligent majority. The bill passed the Commons and the Lords by large majorities, in April, and the king himself reluctantly gave his assent, not daring to overrule his Ministers and Parliament. This Act admits Roman Catholics, on taking a new oath, instead of the oath of supremacy, to both Houses of Parliament, to all corporate offices, to all judicial offices, except in the ecclesiastical courts, and to all civil and political offices, except those of Regent, Lord Chancellor of England and Ireland, and Lord Lieutenant of Ireland, all of whom must belong to the Established Church.

In 1869, under the leadership of a High Church Episcopalian Prime Minister, who in his youthful years had published an elaborate defence of the union of Church and State,[1] that union was dissolved in Ireland, and the Episcopal Church, which represented only about one eighth of the Irish people, was disestablished, to her own advantage, and the increase of lay-activity and prosperity, according to the testimony of the present Archbishop of Dublin. This was another step in the policy of justice and conciliation, which alone can solve the Irish problem.

Emancipation of Jews and Atheists.

The same justice was done in 1858 to the Jews, whose history in Christian lands is one unbroken martyrdom. For a long time every son of Abraham was treated as if he were personally responsible for the crucifixion. In 1837, Baron Lionel Nathan de Rothschild was chosen to the House of Commons as one of the members for London, and continued to be returned again and again, until Parliament, in 1858, removed the legal obstacle by allowing the Jews to omit, in the oath of abjuration, the words, "on the faith of

[1] William Ewart Gladstone, *The State in its Relation with the Church*, 4th ed., London, 1841, 2 vols. Compare the famous critique of Macaulay in the "Edinburgh Review" for 1839.

a Christian," and to be sworn upon the Old Testament instead of the Gospels.

The success of Charles Bradlaugh, who, after repeated elections, was admitted to the House of Commons in 1885, and the debates of Parliament on his case, in July, 1888, settle the question that even professed atheists may sit in the councils of the English nation on simple affirmation, which is allowed to Quakers in deference to their conscientious objection to an oath.

All these Acts of toleration and relief are simply measures of justice which the State owes to all its subjects alike. They no more unchristianize the British nation than the fact that Jews and infidels dwell in England and are allowed to hold property. On the contrary, they show the progress of the true spirit of Christianity, which is a spirit of justice and good-will to all classes and conditions of men.

But while Jews and Gentiles are entitled to the rights of men and citizens, they cannot claim a right to legislate for Christians. And here lies the difficulty which points to the separation of Church and State as the final solution. A Parliament composed of such heterogeneous elements from Romanism down to atheism, becomes less and less qualified to legislate for religion, and must leave that to the Church, to which it properly belongs by divine right.

Toleration and Liberty in Scotland.

The Act of Toleration was intended for England ; but the Revolution of 1688 was of the greatest benefit also to Scotland. It ended a reign of terror, and secured the natural development of Presbyterianism as the religion of the great majority of the people, with freedom for all other forms of Protestantism, and ultimately also of Romanism.

Three months after their election in England, William and Mary were invested with the regal authority in Scotland, in the banqueting house at Whitehall (May 11, 1689). William wisely left the settlement of the Church question to the Estates of the kingdom. They had previously declared the throne vacant, drawn up fourteen grievances, and made a

claim of rights and liberties as the ancient inheritance of the nation. In this bill of rights they claimed that no Papist should ever succeed to the throne, and that no Protestant successor should presume to exercise any act of royalty before taking the coronation oath. With regard to religion, they voted that "prelacy, and the superiority of any office in the Church above presbyters, is, and hath been, a great and unsupportable grievance and trouble to this nation, and contrary to the inclinations of the generality of the people ever since the Reformation."

In accordance with this declaration, during the second session of the same Parliament, 1690, Episcopacy, which had become intensely obnoxious to the Scots by the barbarous persecution under the previous reigns, was for ever abolished as the State religion, and Presbyterianism restored as it was in 1592. The union of Scotland and England in 1707 brought the Church of Scotland under the power of the English Parliament, but her permanence was secured by treaty.

The Revolution Settlement was not satisfactory to the stern Covenanters, who wished the restoration of the platform of 1638, and the enforcement of the Solemn League and Covenant. But this was an impossibility, and would have been an act of injustice to all non-Presbyterians. The great majority of the people were satisfied. "It would be in a high degree ungrateful," says the Free Church of Scotland in an official deliverance,[1] "to overlook the signal and seasonable benefits which the Revolution Settlement really did confer upon the Church as well as the nation. Not only did it put an end to the cruel persecution by which the best blood of Scotland had been shed in the field, on the hillside, and on the scaffold; not only did it reinstate in their several parishes the pastors who had been unrighteously cast out in the reign of the second Charles, and set up again the platform of the Presbyterian government; but by reviving and re-enacting the Statute of 1592, the original charter and foundation of Presbytery, it recognized as an inalienable part

[1] *Act and Declaration*, 1851.

of the constitution of this country the establishment of the Presbyterian Church. It secured also effectually, as was then universally believed, the exclusive spiritual jurisdiction of the Church, and her independence in spiritual matters of all civil control. And by the arrangements which it sanctioned for the filling up of vacant charges, it abolished those rights of patronage which had been reserved in 1592, and made provision for enforcing the fundamental principle of this Church, that 'no pastor shall be intruded into a congregation contrary to the will of the people.'"

The Westminster Standards are still in force in all the Presbyterian Churches of Scotland, England, Ireland, and America, but the clauses which assume the right of the civil magistracy to protect orthodoxy and to punish heresy and give it control over the first table of the Ten Commandments as well as the second, have never been enforced to the extent of persecution in any Presbyterian Church, and are explained away by a very liberal, though not natural, construction. The General Assembly of the Free Church in 1846 declared that "while the Church firmly maintains the same Scriptural principles as to the duties of nations and their rulers in reference to true religion and the Church of Christ, for which she has hitherto contended, *she disclaims intolerant or persecuting principles*, and does not regard her Confession of Faith, or any portion thereof, when fairly interpreted, as favoring intolerance or persecution, or consider that her office-bearers by subscribing it profess any principles inconsistent with liberty of conscience and the right of private judgment."[1] And the United Presbyterian Church, in a Declaratory Act adopted in May, 1879, besides some very important modifications of the doctrines of Divine decrees and the extent of redemption, expressly "*disapproves of all compulsory or persecuting and intolerant principles in religion;* and declares, as hitherto, that she does not require

[1] See this and other Presbyterian acts concerning the authority of the Westminster Confession in Appendix to the *Report of Proceedings of the Second General Council of the Presbyterian Alliance, convened at Philadelphia, Sept., 1880* (Philad., 1881), p. 985.

approval of any thing in her Standards that teaches, or may be supposed to teach, such principles." [1]

The Presbyterian Church of England has now (1889) under consideration, with a view to adoption, a Declaratory Statement, in which the following important passage occurs: "That with reference to the teaching of the Confession regarding the duty of Civil Rulers, this Church, while holding that such rulers are subject in their own province to the authority of the Lord Jesus Christ, does not accept any thing in that document which favors, or may be regarded as favoring, intolerance or persecution." [2]

The Presbyterian Church of the United States went a step further, and in 1787 so altered the Westminster Confession —Chaps. XX., XXIII., 3, and XXXI., 1, 2—as to eliminate the principle of State-churchism and persecution, and to assert the principle of religious liberty and legal equality of all Christian denominations; thus bringing the Confession in entire harmony with the Federal Constitution, which was prepared in the same year, and in the same city of Philadelphia.

The Protestant Episcopal Church in the United States, in 1801, made similar alterations in those of the Thirty-nine Articles of Religion, which treat of the ecclesiastical power of the civil magistracy (Art. XXI. and XXXVII.).[3]

Present Status and Prospect.

The history of England for the last three hundred years, and especially since 1689, shows a slow but steady and irresistible progress in civil and religious liberty. A return to penal legislation for the suppression of heresy is simply impossible. Practically, there is now as much freedom in the British Empire as in the Republic of the United States,

[1] *Ibid.*, p. 1003.

[2] See *Minutes of the Synod of the Presbyterian Church of England held at Newcastle-upon-Tyne in 1888.* There is every prospect that the "Declaratory Statement," which is in full accord on this point with the expressed views of the Free Church and the United Presbyterian Church, will be adopted.

[3] See the alterations in Schaff, *Church and State in the United States*, pp. 48–52.

and the rights of minorities are, perhaps, even better protected; but theoretically, or on the statute-book, the Dissenters are merely tolerated; their ministers are not recognized as clergymen, nor their houses of worship as churches, but only as chapels. Some civil disabilities also still remain, and give undue weight to social inequalities which indeed cannot be removed by legislation any more than doctrinal differences and theological passions, but should be made independent of religious opinions.

The tendency of English legislation and the spirit of the times is towards equality before the law in religious as well as civil rights. Disestablishment in Ireland, which was accomplished in 1869, will probably be followed before long by disestablishment first in Wales, then in Scotland, and at last in England. The Established Presbyterian Church of Scotland and the Established Episcopal Church of England will be at first the losers, but ultimately the gainers, by disestablishment; for it will restore to them the inherent right of self-government, which is worth more than State patronage, and it will stimulate and develop the liberality and devotion of church members, which are a better guarantee for spiritual progress and prosperity than coercive and penal laws. In both those Churches the voluntary principle has of late made wonderful progress, and will be abundantly able to supply all the needs, as among the Dissenters, who have had to support themselves from the beginning, like the early Christians. History furnishes us no greater example of liberality than the Free Church of Scotland, which left all endowments and replaced them by voluntary gifts of the people, from zeal for the principle of the sole headship of Christ.

CHAPTER VII.

FREEDOM IN AMERICA.[1]

Toleration with legal inequality ends in the United States, and is superseded by liberty and legal equality. As I have discussed the American system at length in another book, I confine myself here to a few points in order to show the connection and the difference of the European and American systems.

The Colonial Period.

North America started with European notions and practices of intolerance and toleration, and furnishes examples of both. European intolerance occasioned the settlements of Massachusetts, Pennsylvania, and Maryland, and increased the population of other colonies. Persecuted Puritans, Huguenots, Quakers, Presbyterians, and others who loved religion better than their native land, are the spiritual fathers of the American Republic, and left it a legacy of virtue and piety as a solid foundation of free institutions.

They sought that freedom of worship which was denied them in the mother country, and it was natural that they should guard it against danger of abridgment and loss.

Hence the apparent inconsistency of a Puritan Church establishment in New England, with its intolerance towards Romanists, Prelatists, Baptists, and Quakers. In the Southern States, Episcopacy with its advantages was transplanted from England, and excluded all non-Episcopalians from civil

[1] Philip Schaff, *Church and State in the United States, or the American Idea of Religious Liberty, and its Practical Effects. With Official Documents.* New York (Scribner's Sons, 1888, 161 pages).

and political rights. Each colony framed its code of laws according to the wishes of the majority of its population.

The Baptist Colony of Rhode Island, the Quaker Colony of Pennsylvania, and the Roman Catholic Colony of Maryland started with the professed principle of liberty of conscience, but subsequent laws in Pennsylvania and Maryland excluded Unitarians and Romanists from public offices by prescribing the religious tests of the Toleration Act of 1689, which had a restraining as well as a liberalizing influence on colonial legislation. All the colonies, except Connecticut and Rhode Island, received their governors from the crown of England, and causes of appeal were carried from the colonial courts to the English Privy Council, except in Rhode Island, which by the charters of 1643 and 1663 had the power of legislation with the sole proviso that the laws should be agreeable to those of England "as near as may be, considering the nature and constitution of the place and people."[1]

Nevertheless North America from the very start was a hospitable asylum for the persecuted of all the creeds of Christendom, and far in advance of Europe on the question of liberty. When the colonies made common cause in the separation from England and melted into one nation under one government, it was their common interest to give to all creeds the same protection of the law. The liberty of all was the best guarantee for the liberty of each.

The movement for religious liberty by separating Church and State began nearly simultaneously in Virginia, New York, and Pennsylvania soon after the Declaration of Independence (1776) and several years before the framing of the Federal Constitution (1787).[2] It was supported and successfully carried out by the combined influence of Dissenters, (Presbyterians, Baptists, Quakers, and others) and liberal statesmen, especially Thomas Jefferson and Benjamin

[1] James Bryce, *The American Commonwealth*, I., 16.

[2] In Virginia it began June 12, 1776, several weeks before the Declaration of Independence (July 4th), by the "Declaration of Rights," drawn up by Jefferson, but the actual disestablishment of the Church of England was not effected in Virginia till October, 1785, when Jefferson was absent in Paris.

Franklin, who were deists and skeptics, but sincere and earnest advocates of religious as well as civil liberty.

The Federal Constitution.

This famous charter of American liberty, framed in 1787 and adopted, with ten amendments, by Congress in 1791, abolishes religious tests and prevents the Congress of the United States from making any law establishing a State Church or prohibiting the free exercise of religion. It protects the State against interference from the Church, and protects the Church against interference from the State, and establishes a system of friendly independence. It favors or supports no particular Church or Sect, and puts all on the same footing before the law.

This constitutional provision of religious liberty applies as far as the jurisdiction of the United States extends, but no further. It is a sovereign law in the District of Columbia and the Territories, but it did not and could not abolish the State Church where one existed, nor does it forbid any State to establish a religion by law. The whole subject of religious legislation is taken out of the power of the national government and left with the several States, as one of the reserved rights which were not delegated to that government and never possessed by it. Some features of a union of Church and State remain in some States even to this day.

But the Federal Constitution expresses the national sentiment, and has had a liberalizing effect upon every State constitution made since. Most of these constitutions contain similar guarantees of full religious liberty within the limits of public peace and order. And thus it may be regarded as the American theory, that Church and State should be separate and distinct, each independent in its own sphere, yet not hostile, but equally interested in public morality and national prosperity, the State protecting the Church by law, the Church self-supporting and self-governing, and strengthening the moral foundations of the State. In one word, the American system is a free Church in a free State.

This is the American solution of a problem of ages. It is

not the final, but so far the best, and, for America under existing circumstances, the only possible, solution.

The American Experience.

The American theory has so far worked well in practice, and disappointed the fears of pessimists and of those who trust more in the arm of the flesh than the power of the spirit. Christianity, which for three hundred years prospered and progressed in a hostile heathen State, should certainly prosper still more in a friendly State which cannot resist the influence of centuries of Christian civilization. And this is proven beyond all doubt by the experience of all Churches and Sects in the United States. They flourish and progress, in proportion to their number and vitality, as much here as in the old countries; yea more, because of their freedom. The people are more liberal for religious purposes than the governments. They love their ministers and churches all the more, because they have a personal interest in them and are responsible for their welfare.

It is difficult, indeed, to judge of the state of religion in so large a country with such a heterogeneous population as the United States. Comparisons are always invidious, and one nation may greatly excel another in some virtues and fall behind it in others. Human nature and divine grace are essentially the same in all ages and climes, but manifest themselves differently, in accordance with national characteristics and conditions. In the United States all nationalities and Churches of Europe are commingling on the same broad basis of the Constitution; all partake alike of its benefits; all act and react on each other; each has its inherited and native virtues and vices; and there is not a nation in the world which presents such a variety of types of religious life and ecclesiastical polity.

But if the religion of a people may be judged by the number of churches, chapels, and Sunday-schools, of literary and theological institutions, of religious books and periodicals, of liberal gifts for foreign and home missions, of charitable institutions and societies; if it may be judged by the observance of Sun-

day, the attendance on divine worship, the respect paid to the clergy, and its influence upon society, then the American nation need not be afraid of a comparison with any of the older and most Christian nations of Europe. And this is owing in no small measure to the freedom of religion and the voluntary principle.

It is remarkable that the two European standard writers on American institutions who by historical erudition and personal observation are best able to judge and cannot be charged with national or religious prejudice, have independently reached the same conclusion as to the favorable effect of the separation of Church and State upon the religious life of the nation.

Alexis de Tocqueville, a French statesman and political economist, member of the Academy and at one time Minister of Foreign Affairs, who visited the United States in 1831 with a commission to investigate the penitentiary system, came to the conviction that "there is no country in the whole world in which the Christian religion retains a greater influence over the souls of men than in America." [1]

James Bryce, Professor of Civil Law in Oxford, and Member of Parliament, who spent much time in the United States on three visits, states his impressions as follows [2]:

"The Americans are a religious people. It is not merely that they respect religion and its ministers, for that one might say of Russians and Sicilians; not merely that they are assiduous church-goers and Sunday-school teachers, but they have an intelligent interest in the form of faith they profess, are pious without superstition, and zealous without bigotry. The importance which they still, though less than formerly, attach to dogmatic propositions does not prevent them from feeling the moral side of their theology. Christianity influences conduct not indeed half as much as in theory it ought, but probably more than it does in any other modern country, and far more than it did in the so-called ages of faith."

"Nor do their moral and religious impulses remain in the soft haze of self-complacent sentiment. The desire to expunge or cure the visible evils of the world is strong. Nowhere are so many philanthropic and reformatory agencies at work. Zeal outruns discretion, outruns the possibilities of the case, in not a few of the efforts made, as well by legislation as by voluntary action, to suppress vice, to prevent intemperance, to purify popular literature."

"The influence of Christianity seems to be, if we look not merely to the

[1] *Democracy in America*, translated by Henry Reeve, N. Y., 1838, I., 285.

[2] *The American Commonwealth*, Vol. II., pp. 248, 567 *sq.* (London and New York, Macmillan & Co., 1888).

numbers but also to the intelligence of the persons influenced, greater and more widespread in the United States than in any part of western continental Europe, and I think greater than in England. In France, Italy, Spain, and the Catholic parts of Germany, as well as in German Austria, the authority of religion over the masses is of course great. Its influence on the best educated classes—one must include all parts of society in order to form a fair judgment—is apparently smaller in France and Italy than in Great Britain, and I think distinctly smaller than in the United States. The country which most resembles America in this respect is Scotland, where the mass of the people enjoy large rights in the management of their church affairs, and where the interest of all classes has, ever since the Reformation, tended to run into ecclesiastical channels. So far from suffering from the want of State support, religion seems in the United States to stand all the firmer, because, standing alone, she is seen to stand by her own strength. No political party, no class in the community, has any hostility either to Christianity or to any particular Christian body. The churches are as thoroughly popular, in the best sense of the word, as any of the other institutions of the country."

Conclusion.

The history of religious liberty teaches important lessons. Intolerance and persecution have wrought incalculable misery in the past, and are contrary to the spirit of Christianity, justice, and mercy, and incompatible with modern civilization; while liberty has proved to be the best friend of religion, and receives from it its strongest moral support. Spiritual offences should be spiritually judged and punished according to the gospel; temporal offences should be temporally judged and punished according to the law. The best legal guarantee of religious liberty is a peaceful separation of the spiritual and temporal power; the best moral guarantee of liberty is humane culture and Christian charity.

The Church needs and should ask nothing from the State but the protection of law. She commends herself best to the world by attending to her proper spiritual duties and keeping aloof from political and secular complications. She can only lose by force and violence; she can only gain and succeed by the spiritual weapons of truth and love.

The whole solution of the problem of the relation of Church and State lies in the declaration of Christ: "My kingdom is not of this world"; and in that wisest answer ever given to a perplexing question: "Render unto Cæsar the things that are Cæsar's, and unto God the things that are God's."

DOCUMENTS.

DOCUMENT I.

The Toleration Edict of Constantine the Great. A.D. 313.

(Page 5.)

From Lactantius: *De Mortibus Persecutorum*, chapter 48. Eusebius, in his *Church History*, Bk. X., ch. 5, gives a Greek translation in substantial agreement with the original Latin text of Lactantius. The Edict was issued by both rulers at Milan early in 313, and published in June of the same year by Licinius in Nicomedia. It is the *second* Edict of Toleration, counting that of Galerius (311) as the *first*. The oft repeated statement that it is the *third* rests on a mistake. There is no third Toleration Edict of Constantine. The translation is from the Am. ed. of *The Ante-Nicene Fathers*, Vol. VII. 320, compared with the Latin and slightly altered. See Schaff, *Church History*, II. 72.

When I, Constantine Augustus, and I, Licinius Augustus, had an interview at Milan, and conferred together with respect to the good and security of the commonweal, it seemed to us that, amongst those things that are profitable to mankind in general, the reverence paid to the Divinity merited our first and chief attention, and *that it was proper that we should give to the Christians, as well as to all others, the right to follow that religion which to each of them appeared best*,[2] so that every divinity seated in heaven might be benign and propitious to us, and to every one under our government. *And therefore we judged it a salutary measure, and one highly consonant to right reason, that no man should be denied the privilege of choosing the worship of the Christians, or any other religion which he deemed best adapted to his mind*;[2] that thus the supreme Divinity, to whose worship we freely devote ourselves, might continue to vouchsafe His favor and beneficence to us. And accordingly we give you to know that, without regard to any provisos in our former orders to you concerning the Christians, all who choose that religion are to be permitted, freely and absolutely, to remain in it, and not to be disturbed any ways, or molested. And we thought fit to be thus special in the things committed to your charge, that you might understand that the indulgence which we have granted in matters of religion to the Christians is ample and unconditional; and perceive at the same time *that the open and free exercise of their respective religions*

[1] "*Ut daremus et Christianis, et omnibus liberam potestatem sequendi religionem, quam quisque voluisset.*"

[2] "*Ut nulli omnino facultatem abnegandam putaremus, qui vel observationi Christianorum, vel ei religioni mentem suam dederet.*"

(*liberam atque absolutam colendæ religionis suæ facultatem*) *is granted to all others, as well as to the Christians. For it befits the well-ordered state and the tranquillity of our times that each individual be at liberty, according to his own choice, to worship the Deity; and we mean not to derogate aught from the honor due to any religion or its votaries.*[1]

Morever, with respect to the Christians, we formerly gave certain orders concerning the places appropriated for their religious assemblies[2]; but now we will that all persons who have purchased such places, either from our exchequer or from any one else, do restore them to the Christians, without money demanded or price claimed, and that this be performed peremptorily and unambiguously; and we will also, that they who have obtained any right to such places by form of gift do forthwith restore them to the Christians; reserving always to such persons, who have either purchased for a price, or gratuitously acquired them, to make application to the judge of the district, if they look on themselves as entitled to any equivalent from our beneficence.

All those places are, by your intervention, to be immediately restored to the Christians. And because it appears that, besides the places appropriated to religious worship, the Christians did possess other places, which belonged not to individuals, but to their society in general, that is, to their churches, we comprehend all such within the regulation aforesaid, and we will that you cause them all to be restored to the society or churches, and that without hesitation or controversy; Provided always, that the persons making restitution without a price paid shall be at liberty to seek indemnification from our bounty. In furthering all which things for the behoof of the Christians, you are to use your utmost diligence, to the end that our orders be speedily obeyed, and our gracious purpose in securing the public tranquillity promoted.

So shall that divine favor which, in affairs of the mightiest importance, we have already experienced, continue to give success to us, and in our successes make the commonweal happy. And that the tenor of this our gracious ordinance may be made known unto all, we will that you cause it by your authority to be published everywhere.

DOCUMENT II.

The Edict of Nantes Issued by Henry IV., King of France, A.D. 1598.

Édit du Roy sur la pacification des troubles de ce royaume. Donné a Nantes au mois d'Avril 1598. Vérifié en Parlement le 25 Février, 1599.

(See page 23.)

We give here the 92 Articles, which are the Edict proper, without the appended 56 Secret Articles (*Articles peculiers ou secrets*), which refer to minor details and local matters. See the Appendix to Charles Weiss' *History of the French Prot. Refugees*, Vol. II., 335–378. I have compared the translation with the French original.

[1] "*Ut in colendo, quod quisque delegerit, habeat liberam facultatem, quod nobis placuit, ut neque cuiquam honori, neque cuiquam religioni aliquid a nobis detractum videatur.*"

[2] This passage probably refers to some limitations of the previous Edict of Galerius (311), and to directions for officials which are no longer extant, but it does not justify the hypothesis of an intervening Edict of 312, of which there is no trace.

HENRY, by the grace of God King of France and Navarre: to all present and future, greeting. Among the infinite graces it has pleased God to bestow on us, this is the most signal and remarkable, that he has given us virtue and strength to withstand the frightful troubles, confusions, and disorders which attended our accession to the throne, when the country was torn into parties and factions, the least numerous of which was as it were the most legitimate; and that he has so strengthened us against this difficulty, that we have at length surmounted it, and reached a harbor of safety and repose for the State. To Him alone be all the glory, and to us the honor and obligation, that he has made use of our labor to accomplish this good work, which has been visible to all, if we have performed what was not only our duty and ability, but something more beside, which might not have been at any other time proper to the dignity we hold, which we have no fear of exposing here, seeing that we have so freely exposed our own life. And in this remarkable concurrence of so great and perilous affairs, it not being in our power to settle every thing at one and the same time, it has been necessary for us to follow this order, namely, to undertake first those things which could be settled only by force, and the rather to remit and lay aside till some other time such as could and should be settled by reason and justice: such as the different views of our good subjects, and the particular evils of the more healthy parts of the State, which we deemed easily curable, after the principal cause had been taken away, namely, the continuance of civil war. In which having (by the grace of God) well and happily succeeded, and both arms and hostilities having ceased within the entire kingdom, we hope for an equally prosperous issue in what remains to be settled, and that by this means we shall attain to the establishment of a good peace and tranquil repose, which has always been the object of our wishes and prayers, and the reward that we desire for so many sufferings and labors through which we have passed in the course of our life.

Of the above-mentioned affairs for which patience will be needed, and one of the principal has been the complaints made by divers of our provinces and Catholic cities, that the exercise of the Catholic Religion was not universally reëstablished, as ordered by the edicts hitherto made for the pacification of troubles on account of religion. As also the supplications and remonstrances which have been made by our subjects of the Pretended Reformed Religion,[1] partly in regard to the non-fulfilment of what had been granted them by these edicts, and partly in regard to what they deemed should be added thereto, touching their above-mentioned religion, liberty of conscience, and the safety of their persons and property:[2] presuming themselves in possession of just cause for new and yet greater apprehensions, by reason of these late troubles and movements, whose principal pretext and foundation has been their ruin. In regard to which, that too great a press of matters might not be laid on us at once, and also that the rage of armies might not interfere with the establishment of the laws, such as they were, we have always postponed this matter.

But now that it has pleased God to give us a beginning of quiet and repose,

[1] *la Réligion Prétendue Réformée*,—the reproachful title given to the religion of the Huguenots by the Catholics, who regard the whole Reformation as a Deformation.

[2] *la liberté de leurs consciences, et la sûreté de leurs personnes et fortunes.*

we esteem it the best employment in our power to apply ourselves to what concerns his holy name and service, and to bring it about that he should be worshiped and adored by all our subjects: and if it has not pleased him that there should be one and the same form of religion, yet there should be the same intention (*une même intention*), and under such regulations that there should arise no tumult or disturbance on account of it among you: and that both we and this kingdom may ever merit and preserve the title of *very Christian*, which has been acquired for so long a time, and by so many merits: and by the same means to take away the cause of evil and trouble which can befall the cause of religion, which is ever the most supple and penetrating of all. On this occasion, considering the affair as one of very great importance, and worthy of the very gravest consideration, after receiving the complaints of our Catholic subjects, having also permitted our subjects of the Pretended Reformed Religion to assemble by deputies and draw up theirs, and to bring together all their remonstrances, and having conferred with them at divers times in regard to the matter, and having read over the preceding edicts, we have thought it necessary, at this time, to give to all our subjects a general law, clear, concise, and absolute,[1] by which they may govern themselves with regard to all differences which have hitherto sprung up, or may hereafter arise, among them, and of which both may be a subject of contention, as the temper of the times may be. We have, on our part, entered on the deliberation only through the zeal we have for the service of God, and that it may be offered and rendered by all our subjects, and to establish among them a true and lasting peace. For this we implore and expect from his divine goodness the same protection and favor that he has ever visibly bestowed on this kingdom from its birth, and during the entire period it has passed through, and that he may give grace to our subjects to well comprehend, that in the observance of this ordinance consists (next to their duty to God and their fellows) the principal foundation of their union, concord, tranquillity and repose, and of the reëstablishment of this whole State in its first splendor, opulence, and strength. On our part, we engage its strict observance, suffering no infringement thereof. For these reasons, having, with the advice of the princes of our blood, other princes and officers of the crown, and other great and notable personages of our Council of State, being near us, well and diligently weighed and considered the entire affair, we have, by this perpetual and irrevocable Edict,[2] said, declared and ordered, do say, declare and order:

Article I.

Firstly, that the memory of all past transactions, both on the one part and the other, since the beginning of the month of March, 1585, up to our accession to the Crown, and during the preceding troubles, and on account of them, shall remain extinct and dormant as though they had never happened. And it shall not be allowed or permitted to our Procureurs-General, or any other person whatever, public or private, at any time, or on any occasion whatever, to make mention thereof, or institute a suit or prosecution in any courts or jurisdictions whatever.

[1] *une loi générale, claire, nette et absolue.*

[2] *per cet Edit perpetuel et irrevocable.*

ARTICLE II.

We forbid all our subjects, of whatever state or quality, from renewing the memory, attacking, resenting, injuring or provoking the one or the other by reproaches for what has passed, under any cause or pretext whatever, from disputing, contesting, quarrelling, or outraging or offending by word or deed: but to restrain themselves and live peaceably together like brothers, friends and citizens, under pain of being punished as breakers of the peace and disturbers of public order.

ARTICLE III.

We command that the Catholic Religion, Apostolic and Roman, shall be reinstated and reëstablished in all places and parts of this our kingdom, and within the bounds of our authority, where its exercise has been intermitted, that it may be peaceably and freely exercised without any disturbance or impediment. Expressly forbidding every person of any state, quality or condition whatever, under the above-mentioned penalties, from troubling, disturbing or molesting the ecclesiastics in the celebration of divine service, from the enjoyment and receipt of the tithes, fruits and revenues of their benefices, and all other rites and duties appertaining thereto: and that all those who, during the troubles have taken possession of churches, houses, properties and revenues belonging to said ecclesiastics, and who still hold and occupy them, shall give up the entire possession and peaceful enjoyment of them, with such rights, liberties, and sureties, as they had before they were seized. Forbidding very expressly those of the said Pretended Reformed Religion from preaching or any exercise of their religion in the churches, houses and habitations of the said ecclesiastics.

ARTICLE IV.

The said ecclesiastics may, if they choose, purchase the houses and buildings raised on profane places, upon those occupied during the commotions, or constrain the possessors of the said buildings to purchase the ground, all according to a valuation made by experts agreed on by the parties. And if the parties cannot agree on them, they shall be provided by local judges, provided the said possessors are not included therein. And if said ecclesiastics constrain the holders to purchase the ground, the sum agreed on shall not come into their hands: but the holders shall retain it in their hands, drawing interest at the rate of twenty per cent., till it becomes profitable to the church: which shall be deemed a year. And when the said time shall have elapsed, should the acquirer be unwilling to continue the said rent, he shall be discharged therefrom by consigning the moneys into the hands of a solvent person with the consent of the judges. And with regard to the sacred places, the views of the commissioners appointed by us for the execution of the present Edict shall be followed, as by us provided.

ARTICLE V.

Nevertheless, the places and sites occupied for repairs and fortifications of our cities and places of our kingdom, and the materials used therein, shall not be taken possession of or sold by the ecclesiastics or other persons, either

public or private, unless the said repairs and fortifications shall be demolished by our ordinances.

ARTICLE VI.[1]

And that all occasion of troubles and differences among our subjects may be taken away, we have and do permit persons of the Pretended Reformed Religion to live and remain in all the cities and places of this our kingdom, and countries under our authority, without being questioned, vexed or molested, or constrained to do any thing with regard to religion contrary to their conscience (*contre leur conscience*), nor on account of it shall they be searched for in their houses and places where they desire to dwell, provided they comport themselves in accordance with the provisions of our present edict.

ARTICLE VII.

We have also given permission to all seigneurs, gentlemen, and other persons, denizens or otherwise, making a profession of the Pretended Reformed Religion, holding within our kingdom and country, under our authority, high judicial office, or a full fief of knighthood (as in Normandy), whether as property or usufruct, in whole or in part, or even a third part, to have, in such of their houses of the said high justices, or said knights, as they shall hold themselves ready to name to our bailiffs or seneschals, each in his own right, as his chief place of residence, the exercise of the said Religion, as long as they reside therein : and in their absence, their wives, their family, or a part of it ; and if the title of either justice or knight shall be questioned, still the worship of said Religion shall be allowed, provided the above-mentioned persons have actual possession of said offices, until our Procureur General can attend to the matter. We also permit the said worship to be held in other houses belonging to those high functionaries, or knights, in the presence, and not otherwise, of their domestics, their family, and subjects.

ARTICLE VIII.

In the houses of tenants, or persons of the said religion who are not high functionaries or knights, there can be said worship for their families alone. However, this is not to be understood as allowing a search in cases where other persons, to the number of thirty, chance to arrive, or friends come to visit them : provided, also, that said houses are not within cities, towns, or villages belonging to high Catholic lords, other than ourselves, in which said Catholic lords have houses ; in which case, those of the said Religion cannot, in said cities, towns, or villages, have religious services, unless by permission and consent of the said Catholic lords, and not otherwise.

ARTICLE IX.

We also permit members of the said Religion to do and continue the exercise of it in all villages and places under our authority where it has been established by them, and publicly performed at several and divers times, in the year one thousand five hundred and eighty-six, and in the year one thousand

[1] Here begin the Articles bearing upon the privileges and restrictions of the Huguenots.

five hundred and eighty-seven, until the end of the month of August, all decrees and judgments to the contrary notwithstanding.

ARTICLE X.

Likewise the said worship shall be established and reëstablished in all villages and places where it has been introduced, or ought to be, by the Edict of Pacification, made in the year 1577, by the private articles and conferences of Nerac and Flex, without which the said establishment might be prevented in the places and situations mentioned in that edict, articles, and conferences, as places for bailiwicks, or which had been hitherto, though they have been alienated to Catholic persons, or shall be hereafter. It is not to be understood, however, that the said worship may be reëstablished in places and situations of the said domain, which have been heretofore possessed by persons of the Pretended Reformed Religion, in which it might have been allowed for personal considerations, or on account of feudal privileges, if the said fiefs are at present in the possession of persons of the Catholic, Apostolic, and Roman Religion.

ARTICLE XI.

Besides in each of the ancient bailiwicks (*Bailiages*), seneschalships (*Sénéchaussées*), and governments holding the place of bailiwicks, being plainly under the jurisdiction of the courts of parliament, we order that in the suburbs of a city, excepting those which have been granted by the said edict to them, as also by special articles and conferences, and where there are no cities, in a burgh or village, the exercise of the Pretended Reformed Religion shall be made publicly by all those who may wish to go there, although in the said bailiwicks, seneschalships, and governments there may be several places in which the said exercise may be at present established, save and excepting for the said places of bailiwicks newly granted by the present edict, the cities in which there is an archbishop or bishop, although the members of the said Pretended Reformed Religion have the power to ask for and name, for the said place of worship, the boroughs and villages in the neighborhood of those cities, excepting also the places and seigneurships belonging to ecclesiastics, in which we must not be understood as allowing the said second place of the bailiwick, these being excepted and reserved by special favor. We mean and understand by the name of ancient bailiwicks, to speak of those which in the time of the late King Henry, our very honored lord and father-in-law, were held for bailiwicks, seneschalships, and governments, being clearly under the jurisdiction of our courts.

ARTICLE XII.

The present edict must not be understood as doing away aught of the edicts and agreements heretofore made for the reduction of any princes, lords, gentlemen, and Catholic cities in our authority, as it respects the exercise of the said Religion, which edicts and agreements shall be held and observed as it regards this matter, as it shall be determined by the instructions of the commissioners, who shall be appointed for the execution of the present edict.

ARTICLE XIII.

All persons of the said Religion are very expressly forbidden from making any exercise of it, either of ministry, regulation, discipline, or public instruction of children, and other matters in this our kingdom, and in countries under our authority, in what concerns religion, except in those places permitted and allowed in the present edict.

ARTICLE XIV.

Also from performing any exercise of said Religion in our court and suite, and also in our lands and countries which are beyond the mountains, and also in our city of Paris, or within five leagues of said city; although the members of said Religion, dwelling in said lands and countries beyond the mountains, and in our said city, and within five leagues around it, shall not have their houses searched, nor be compelled to do any thing in regard to their religion contrary to their conscience, provided they comport themselves as it is commanded in the present edict.

ARTICLE XV.

Nor shall a public exercise of said Religion be allowed among the armies, except at the quarters of the chiefs who make a profession thereof, excepting the quarter which shall contain our person.

ARTICLE XVI.

By the twelfth article of the Conference of Nerac, permission was given to those holding said Religion to build places for the exercise of it in such villages and places as might be agreed on, and those shall be restored to them that they have hitherto built, or the site of them, in such state as they may be in at present, even in those places where the exercise of their worship is not allowed, except they have been changed into other kinds of edifices, in which case there shall be given to them, by the possessors of said edifices, places and situations of the same value and price which they had before they were built on, or the proper value of them, to be determined by experts: provided the proprietors and possessors whom the matter concerns, are not of it.

ARTICLE XVII.

We forbid all preachers, readers, and others who speak in public, from using any word, discourse, and terms tending to excite the people to sedition; but we have enjoined, and do enjoin, them to a retiring and modest carriage, and to do nothing which is not calculated for the edification and instruction of their auditors, and for the maintenance of the repose and tranquillity by us established in this our kingdom, under pain of the penalties mentioned in preceding edicts. Enjoining very expressly our prosecuting officers and their deputies to inform against those who contravene them, under pain of answering in their own persons, and by privation of their offices.

ARTICLE XVIII.

We forbid all our subjects, of whatever quality or condition soever, from bearing away by force or stratagem, against the consent of their parents, chil-

dren of the said Religion, in order to have them baptized or confirmed in the Church Catholic, Apostolic and Roman. The members of the said Pretended Reformed Religion are under the same prohibition, under pain of being severely punished.

ARTICLE XIX.

Persons belonging to the said Pretended Reformed Religion shall be in no manner constrained, or considered bound by reason of abjurations, promises, and oaths that they have hitherto made, or sureties by them given, in regard to said Religion, and shall not be molested or disturbed on account thereof, in any manner whatsoever.

ARTICLE XX.

They shall be bound to guard and observe the festivals in use in the Church Catholic, Apostolic and Roman, and shall not on such days labor, sell, or display for sale, in open shops, nor in like manner shall artisans labor without their shops, and in chambers and closed houses, on the said festival days, and other days forbidden, at any trade, the noise of which can be heard by passers-by or neighbors ; nevertheless, no search shall be made, except by the officers of justice.

ARTICLE XXI.

Books concerning the said Pretended Reformed Religion shall be printed and sold publicly only in the cities and places where the public exercise of said religion is permitted ; and as it respects other books, which shall be printed in other cities seen and visited, whether by our officers or theologians, as it is commanded by our ordinances. We very expressly forbid the expression, publication, and sale of all books, libels, and defamatory writings, under the penalties contained in our ordinances, enjoining all our judges and officers to see to its execution.

ARTICLE XXII.

We order that there shall be no difference or distinction made with regard to said Religion, in receiving scholars to be instructed in the universities, colleges and schools, as well as the sick and poor in the hospitals, lazarettos, and charitable institutions.

ARTICLE XXIII.

Those belonging to the Pretended Reformed Religion shall be bound to respect the laws of the Church, Catholic, Apostolic and Roman, received in this our kingdom, in regard to marriages contracted, and to be contracted, within the degrees of consanguinity and affinity.

ARTICLE XXIV.

In like manner the members of the said Religion shall pay the entrance fees, as is the custom, for the employments and offices with which they are provided, without being constrained to assist at any ceremonies contrary to their religion ; and when about to be sworn, shall be bound only to raise the hand, swear, and promise to God to tell the truth ; and may also dispense with the oath by them to be taken in passing contracts and obligations.

ARTICLE XXV.

We will and order that all members of the said Religion pretendedly Reformed, and others who have followed their party, of whatever state, quality, or condition they may be, shall be bound and holden by all reasonable dues; and under the penalties contained in the edicts on these matters, to pay and discharge tithes to the curates and other ecclesiastics, and to all others to whom they may belong, according to local usage and custom.

ARTICLE XXVI.

No one of our subjects shall be disinherited or deprived of his property, either in the past or future, by will or otherwise, made only from hatred, or on account of religion.

ARTICLE XXVII.

In fine, that we may as far as possible reunite our subjects in friendly feelings, as is our wish, and to take away all complaints in future, we declare all those who have made, or shall make, a profession of the said Pretended Reformed Religion, capable of holding and exercising all employments, dignities, offices, and public employments of whatever kind, royal, seigneurial, in either of the cities, or of this our kingdom, countries, lands, and manors under our authority, notwithstanding all oaths to the contrary; and our courts of parliament and other judges shall learn and inquire of the life, manners, and religion and honest conversation of those who are or shall be candidates for office, as well of one religion as of the other, taking of them no oath except to well and faithfully serve the King, in the exercise of their employments, and to see that the ordinances are observed, as it has been done from all time. In regard to vacancies in these situations, employments, and offices, as it regards those who shall fill them, this shall be done indifferently, and without distinction, from capable persons, as a matter that regards the union of our subjects. Let it also be understood that members of the Pretended Reformed Religion are to be admitted and received to all councils, deliberations, assemblies, and functions, which depend on the above-mentioned things, and not to be rejected on account of their religion, or prevented from enjoying them.

ARTICLE XXVIII.

We order, in regard to the interment of the dead of persons of the said Religion, for all the cities and places of this kingdom, that there be promptly provided in each place, by our officers and magistrates, and by the commissioners we shall appoint for the execution of the present edict, a place as commodious as possible; and the cemeteries hitherto held by them, and of which they have been deprived by the troubles, shall be returned to them; but if they should be found to be occupied, at the present time, by edifices and buildings of whatever sort, they shall be provided with others gratuitously in their place.

ARTICLE XXIX.

We expressly command our officers to see to it, that at the said interments no scandal be committed; and they shall be bound, within five days after a

requisition shall have been made, to provide the members of said Religion a place proper for said burial, without any delays, under penalty of a fine of five hundred crowns: and the said officers, as well as all others, are forbidden to take any thing for services to these dead bodies, under penalty of being punished for extortion.

ARTICLE XXX.

In fine, that justice may be rendered and administered to our subjects, without any suspicion, hatred or favor, as being one of the principal means of preserving peace and concord, we have ordered and do order, that in our court of parliament of Paris shall be established a chamber, composed of a president and sixteen councillors of said parliament, which shall be called and entitled the *Chamber of the Edict*, and shall have cognizance not only of causes and suits of persons of the Pretended Reformed Religion, who shall be within the jurisdiction of said court; but also of suits from our parliaments of Normandy and Brittany, according to the jurisdiction which shall be given to them by this edict, and just as far as in each of the said parliaments have been established a chamber to render justice in those places. We order, also, that of the four offices of councillors in our said parliament, remaining from the last erection made by us, there shall be chosen and received to this parliament four persons of this Pretended Reformed Religion, sufficient and capable men, who shall be distributed thus: The first to the Chamber of Edict, and the other three, as they shall be selected, to three of the Chambers of Inquest. And, beside, the two first offices of councillors of said court, which shall become vacant by death, shall be filled by two persons of the said Pretended Reformed Religion; and these shall be distributed among the other two Chambers of Inquests.

ARTICLE XXXI.

Beside the chamber heretofore established at Castres, for the jurisdiction of our court of parliament of Toulouse, which shall be continued in the state in which it now is, we have, from the same considerations, ordered and do order, that in each of our courts of parliament of Grenoble and Bordeaux shall be likewise established a chamber, composed of two presidents, the one a Catholic, and the other of the Pretended Reformed Religion, and of twelve councillors, of which the first six shall be Catholics, and the other six of the said Religion; whose Catholic presidents and councillors shall be by us chosen and taken from the bodies of the said courts. And, as to those of the said Religion, there shall be a new creation of a president and six councillors for the parliament of Bordeaux, and of a president and three councillors for that of Grenoble, which, with the three councillors of said religion, who are at present in said parliament, shall be employed in the said Chamber of Dauphiné. And the said offices of new creation shall be entitled to the same salary, honors, authorities and preëminences as others of the said courts. And the said sitting of the said court of Bordeaux shall be at the said Bordeaux, or at Nerac; and that of Dauphiné, at Grenoble.

ARTICLE XXXII.

The said Chamber of Dauphiné shall have cognizance of the suits of members of the said Pretended Reformed Religion, within the jurisdiction of our

parliament of Provence, without the necessity of taking letters of appeal, nor other provisions, except in our chancery of Dauphiné. So, also, persons of that religion in Normandy and Brittany shall not be compelled to take out letters of appeal, nor other provisions, except in our chancery of Paris.

ARTICLE XXXIII.

Our subjects of the same religion in the parliament of Bourgogne shall have the choice and option to plead in the chamber ordered at Paris, or in this of Dauphiné. And shall not be bound to take letters of appeal, nor other provisions, than from the chanceries of Paris and Dauphiné, according to the choice they make.

ARTICLE XXXIV.

All of the said chambers, composed as above, shall have jurisdiction, and give final judgment by decree, privately from all others, of suits begun and to be begun, in which persons of the said Pretended Reformed Religion shall be principal parties or securities, whether plaintiff or defendant, in all matters civil or criminal, whether the said process be by writing or verbal summons. And this, if it seem good to the said parties, and one of them shall require it before joining suit, as it regards causes yet to be commenced: excepting, however, all matters respecting benefices and the possession of tithes not in fee, ecclesiastical advowsons, and suits which concern the rights and duties of the domain of the Church, which shall all be treated and judged of in courts of parliament, so that the said Chambers of Edict shall not have jurisdiction. So, also, we desire, as it regards the judging and deciding criminal suits arising between the said ecclesiastics and persons of the said Pretended Reformed Religion, if the ecclesiastic be the defendant, in that case the jurisdiction and judgment shall belong to our sovereign courts, in private at the said chambers; but if the ecclesiastic be plaintiff, and the defendant be of the said Religion, the jurisdiction and judgment shall belong by appeal; and, as a last resort, to the said established chambers. Recognizing, also, the said chambers in times of vacation, as to matters belonging to them by the edicts and ordinances of chambers established in times of vacation, each in its own sphere.

ARTICLE XXXV.

The said Chamber of Grenoble shall be, as at present, united and incorporated with the body of the said court of parliament, and the presidents and councillors of the said Pretended Reformed Religion shall be named presidents and councillors of the said court, and entitled to the same rank and number; and, for these ends, they shall at first be distributed among the other chambers, then selected and drawn from them, to be employed and used in those that we order anew, with this understanding, however, that they shall sit with, and have a voice in, all the deliberations which the assembled chambers shall make, shall receive the same salary, authority, and preëminences, as the other presidents and councillors of the said court.

ARTICLE XXXVI.

We will and intend that the said Chambers of Castres and Bordeaux shall be reunited and incorporated with parliaments in the same manner as the others,

when it shall be necessary, and that the suits which have been instituted before its establishment shall cease, and have no place among our subjects ; to these ends, the presidents and councillors of them, of the said Religion, shall be nominated for presidents and councillors of said courts.

ARTICLE XXXVII.

There shall also be created and erected anew, in the chamber ordered for the parliament of Bordeaux, two substitutes for our procureur and advocate-general, of which the substitute for procureur shall be a Catholic, and the other of the said Religion, who shall be appointed to said offices at ready salaries.

ARTICLE XXXVIII.

Nor shall the said substitutes have any other duties than as substitutes ; and when the chambers ordered for the parliaments of Toulouse and Bordeaux shall be united and incorporated with the said parliaments, the said substitutes shall be appointed to the offices of councillors in them.

ARTICLE XXXIX.

The certificates of the Chancery of Bordeaux shall be made in the presence of two councillors of this chamber, the one being a Catholic, and the other of the said Pretended Reformed Religion, in the absence of one of the masters of inquests of our palace ; and one of the notaries and secretaries of the said court of the parliament of Bordeaux shall make his residence at the place where the said chamber shall be established, or one of the ordinary secretaries of the chancery, to sign the certificates of the said chancery.

ARTICLE XL.

We will and order that in the said Chamber of Bourdeaux, there shall be two registry clerks to the said parliament, the one for civil, and the other for criminal suits, who shall exercise those offices by commissions from us, and shall be called clerks of the civil and criminal registry, and yet they shall not be deprived of office by the said registers of parliament : however, they shall be bound to render the emoluments of the said registries to the said registers, whose clerks shall be paid by the said registers, as it shall be determined and agreed on by the said chamber. Besides these, shall be appointed Catholic ushers, who shall be taken from said court, or elsewhere, according to our good pleasure, besides whom there shall be appointed, for the first time, two also of the said Religion, and appointed gratuitously ; and all the said ushers shall be regulated by the said chamber, as well in regard to the exercise and deportment of their office, as the emoluments they ought to derive from it. A commission shall also be expedited for paying the salaries and receiving the penalties of the said chamber, to be appointed in such manner as shall please us, if the said chamber is established elsewhere than in said city ; and the commission heretofore accorded for paying the salaries of the Chamber of Castres, shall take full and complete effect, and shall be joined to the said commission for the receipt of penalties for the said chamber.

ARTICLE XLI.

Good and sufficient assignations shall be provided for the salaries of the officers of the chamber ordered by this edict.

ARTICLE XLII.

The presidents, councillors, and other Catholic officers of the said chamber shall continue as long as possible, and as we shall see useful for our service, and for the good of our subjects ; and if some of them are to be released, others shall be provided in their places before their departure, so that they shall not, during the time of their service, depart or absent themselves from the said chambers, without the permission of those who shall judge on the causes of the ordinance.

ARTICLE XLIII.

The said chambers shall be established within six months, during which (if such establishment remains to be made) suits begun, and to be begun, to which persons of the said Religion are parties, within the jurisdiction of our parliaments of Paris, Rouen, Dijon, and Rennes, shall be heard in the chamber established at Paris, in virtue of the edict of 1577, or at a grand council, at the choice and option of persons of the said religion, if they require it ; those of the parliament of Bourdeaux in the court established at Castres, or at the grand council, at their choice, and those who shall be of Provence, at the parliament of Grenoble ; and if the said courts are not established within three months after the presentation of our edict, such of our parliaments as shall have refused so to do, shall be interdicted from having jurisdiction and judging causes of persons of said Religion.

ARTICLE XLIV.

Suits not yet decided, pending in the said courts of parliament and grand councils, of the quality aforesaid, shall be returned in whatever state they may be to the said chambers, each in its own jurisdiction, if one of the parties of the said religion require it, within four months after the establishment of the said courts ; and as to those which shall be discontinued, and not in a state to be judged, the said persons of the said Religion shall be bound to make a declaration at the first intimation and signification which shall be made to them of a prosecution, and the said time being passed, they shall not be required to be sent back.

ARTICLE XLV.

The said chambers of Grenoble and Bourdeaux, as well as that of Castres, shall follow the forms and style of the parliaments, within whose jurisdiction they shall be established, and shall sit in equal numbers of either religion, if the parties do not consent to the contrary.

ARTICLE XLVI.

All the judges to whose address shall be sent executions of arrest, commissions of said chambers, and letters obtained in the chanceries, with all doorkeepers and serjeants shall serve their summons in all parts of our

kingdom, without petition or writ of chancery, under penalty of suspension from office, and of charges, damages, and interest of the parties where cognizance belongs to the said chambers.

ARTICLE XLVII.

No appeal shall be allowed where cognizance is given to said courts, except in the case of ordinances, whose return shall be made to the nearest court established by our edict, and the distribution of suits of said courts shall be judged in the nearest, observing the proportion and forms of said chambers, whose suits shall be proceeded in courts of law, excepting the Chamber of Edict to our parliament of Paris, where the suits shall be distributed in the same chamber by judges, who shall be named by our special letters, for that purpose, if the parties prefer to wait the reorganization of such chamber, and provided the same suit shall be a party in all the mixed chambers, the distribution shall be returned to the said court of Paris.

ARTICLE XLVIII.

The challenges which shall be made against the presidents and councillors of the mixed courts shall be limited to the number of six, to which number the parties shall be limited, otherwise no regard shall be made to these challenges.

ARTICLE XLIX.

The examination of presidents and councillors lately instituted for said mixed courts, shall be made in our privy council, or by the said courts, each in its own right, when they shall amount to a sufficient number ; nevertheless the usual oath shall be taken by them in the courts where the said chambers shall be established, and on their refusal, in our privy council, excepting the members of the Chamber of Languedoc, who shall take the oath from the hands of our chancellor, or in his chamber.

ARTICLE L.

We wish and order that the reception of our officers of the said religion should be judged in the said mixed chambers by plurality of voices, as is usual in other judgments, so that there may be no necessity that the opinions should surpass two thirds, according to the ordinance, which as it regards the matter is abrogated.

ARTICLE LI.

There shall be made at the said mixed chambers propositions, deliberations, and resolutions, which appertain to the public quiet and the particular state and police of the cities in which the said chambers shall be.

ARTICLE LII.

The article of jurisdiction of said chambers ordered by the present edict shall be followed and observed, according to its form and term, even in what concerns the execution, or want of execution, or infraction of our edicts, when those of the said Religion shall be parties.

ARTICLE LIII.

The subaltern officers, royal or otherwise, whose admittance appertains to our courts of parliament, if they are of the said Pretendedly Reformed Religion, shall be examined and received in such chambers, viz. : Those in the jurisdiction of the parliaments of Paris, Normandy, and Brittany, in the said Chamber of Paris ; those of Dauphiné and Provence, in the Chamber of Grenoble ; those of Burgundy, in the said Chamber of Paris, or of Dauphiné, at their choice ; those in the jurisdiction of Toulouse, in the Chamber of Castres ; and those of the parliament of Bourdeaux, in the Chamber of Guyenne ; but the others shall not oppose their admittance and right to render judgment, as our Procureurs-General, and their deputies. However, the usual oath shall be by them taken in the courts of parliament, which shall have no cognizance of their said admittance ; and, on the refusal of the said parliaments, the said officers shall take the oath in the said chambers ; which being taken, they shall be bound to present by a bailiff or notary the act of their admittance to the registers of the said courts of parliament, and to leave a collated copy with the said registers : on whom it is enjoined to register said acts, under pain of being liable for all charges, damages and interests of the suits, and, in case the said register shall refuse to do so, it shall suffice for said officers to report the act of the said summation, sent by said bailiffs or notaries, and the same shall be registered in the registry of their said jurisdictions, that recourse may be had to it, if need be, under penalty of nullifying their procedures and judgments. And, as it respects the officers whose reception is usually made in our said parliaments, in case that those to whom it belongs shall refuse to proceed to such examination and reception, the said officers shall withdraw from said chambers, to be provided for as it shall seem proper.

ARTICLE LIV.

The officers of the said Pretended Reformed Religion who shall be admitted as above, to serve in the bodies of our said courts of parliaments, grand council, chamber of accounts, court of aids, departments of the treasury, and other officers of finance, shall be received and examined in such places as is usual ; and, in case of refusal or denial of justice, shall be admitted in our private council.

ARTICLE LV.

The receptions of our officers, made in the chamber heretofore established at Castres, shall be deemed valid, notwithstanding all decrees and ordinances to the contrary. Also shall be valid the receptions of judges, councillors, assessors of subsidies, and other officers of the said Religion, made in our private council, or by commissioners ordered by us for the refusal of our courts of parliament, courts of aids, and chamber of accounts, as if they had been made in such courts and chambers, and by the other judges to whom the reception belonged. And their salaries shall be allowed by the chambers of accounts, without difficulty ; and, if any have been erased, they shall be reinstated without other order than the present decree, and without being obliged to show any other admittance, notwithstanding all decrees to the contrary, which shall remain null, and of no effect.

ARTICLE LVI.

Until the means of meeting the expenses of justice of said chambers shall be furnished by the moneys derived from penalties, a valid and sufficient assignment shall be provided by us to defray the expenses, provided that penalties shall not be levied again on the property of the condemned.

ARTICLE LVII.

The president and councillors of the said Pretended Reformed Religion, heretofore admitted to our court of the parliament of Dauphiné, and in the Chamber of Edict incorporated with it, shall continue, and have their sessions in the same; that is to say, the presidents as they now do, and the councillors, according to the decrees and provisions that they have obtained in our private council.

ARTICLE LVIII.

We declare all sentences, decrees, procedures, seizures, sales, and decrees made and given against persons of the Pretended Reformed Religion, living or dead, since the decree of the late King Henry the Second, our very honored lord and father-in-law, on account of said religious tumults and disturbances since arising with the judgments and decrees, from the present time are revoked and annulled. We order that they shall be erased and taken from the registries of the courts, whether higher or inferior; we will, also, that all marks, vestiges and monuments of the said executions, libels and defamatory acts against their persons, memories and posterity, shall be effaced and destroyed; and that the places in which demolitions and razements have been made on such occasion, shall be returned in such state as they are to the proprietors of the same, to enjoy and dispose of them as they please: and generally, we have erased, annulled and revoked, all procedures and informations made for whatever enterprises, pretended causes of treason, etc.; notwithstanding which procedures, decrees and judgments concerning assemblies, incorporation and confiscation, we will the persons of the said Religion, and others who have followed their party and their heirs, shall enter into possession, real and actual, of all and each of their property.

ARTICLE LIX.

All procedures made, judgments and decrees given, against persons of the said Religion, who have borne arms, or have withdrawn from our kingdom, or within the same, in cities and countries held by them, as it respects all matters of religion and disturbances, legal as well as conventional, and customary and feudal seizures, forfeited during the said troubles, or legitimate impediments derived from them, and whose cognizance shall remain to our judges, shall be considered as though they had not been done or happened. And such we have and declare them; and the same shall be of no validity, so that no one can make use of them, but shall be remitted to the state they were in before, notwithstanding the said decrees and their execution. The same shall also hold with regard to others, who have followed the party of the said Religion, or have been absent from our kingdom in the midst of the troubles. And, as

it regards minors, children of those of the above-named quality, who have died during the troubles, we remit the parties to the same state they were in before, without refunding the charges, or being bound to return the fines, not meaning that the judgments given by the presidial judges, or other inferior judges, against those of the said Religion, or who have followed their party, shall be null, if they have been given by judges in cities held by them, and which have been of free access to them.

ARTICLE LX.

The decrees given in our courts of parliament, in matters where jurisdiction belongs to the chambers instituted by the edict of the year 1577, and the articles of Nerac and Flex, in which courts the parties have not proceeded voluntarily, that is to say, have alleged and proposed official exceptions to the jurisdictions on which have been given by default or foreclosure, whether the matter be civil or criminal, notwithstanding which exceptions the said parties have been compelled to go on, shall, in like manner, be null and of no effect ; and with regard to decrees rendered against those of the said Religion, who have proceeded voluntarily, without offering exceptions, said decrees shall remain in force. However, without prejudice to the execution of the same, they can, if it seems good, institute an examination by civil inquest before the chambers ordered by the present edict, except the time allowed by the present edict shall have passed to their prejudice, and until the said chamber and chanceries of the same shall be established, verbal or written summons offered by persons of said Religion before the judges, registers, or commissioners, executors of decrees and judgments, shall have like effect as if they had been released by royal letters.

ARTICLE LXI.

In all inquests which shall be made for whatever cause in civil matters, if the examiner or commissioner is a Catholic, the parties shall be bound to choose an adjunct, and if they cannot agree on one, one shall be furnished by the said examiner or commissioner, who shall be of the said Pretended Reformed Religion ; and the practice shall be the same when the examiner or commissioner shall be of the said Religion, an adjunct shall be chosen who shall be a Catholic.

ARTICLE LXII.

We will and order that our judges recognize the validity of wills, in which persons of the said Religion have an interest, if they require it : and the appellations of the said judgments can be released from persons of the said Religion, notwithstanding all customs to the contrary, even those of Brittany.

ARTICLE LXIII.

In order to obviate all differences which might arise between our parliamentary courts and the chambers of said courts ordered by our present edict, there shall be made by us a good and sufficient regulation between said courts and chambers, and such, that persons of the said Religion shall have the full benefit of this edict ; which regulation shall be verified in our courts of parliament, and guarded and observed without regard to precedents.

ARTICLE LXIV.

We inhibit and forbid all our sovereign courts, and others of this kingdom, from taking cognizance of and judging civil or criminal suits of persons of the said Religion, whose jurisdiction is given by our edict to the said chambers, unless a reference be demanded by them, as is provided for them in the XLth article above.

ARTICLE LXV.

We desire also, be it now provisionally, and until it may be otherwise ordered, that in all suits begun and to be commenced, in which persons of the said Religion shall be either plaintiffs or defendants, principals or sureties, in civil cases in which our officers and presidial courts have power to give final judgment, it shall be allowed them to demand that two members of the court, where the suit is to be tried, shall abstain from giving judgment, which without cause being given, they shall be bound to do, notwithstanding the ordinance by which the judges are not bound to comply with exceptions without cause given, there remaining besides, this exception of right against the rest: And in criminal cases, in which the said presidial and other judges give final judgment, those charged with crime being of the said Religion, may demand that three of the said judges shall abstain from passing judgment on their case without giving them reasons therefor; and the provosts of the marshals of France, vice-bailiffs, vice-seneschals, lieutenants of the short robe, and other officers of like quality, shall judge according to the ordinances and regulations heretofore given in regard to vagrants, and as to those being householders, accused of crime, to be tried in prevotal courts; if such persons are of said Religion, they can demand that three of the said judges having jurisdiction, shall abstain from giving judgment in their suit, and shall be bound to abstain, without cause given therefor, except there be in the number to judge the matter, in civil cases, two judges, and in criminal, three judges, who are members of said Religion, in which case exceptions shall not be taken without giving reasons therefor; and this shall be equally allowable to Catholics in the above-mentioned cases, regarding the said exceptions to judges, where members of the said Pretended Reformed Religion are in a majority. We do not intend, however, that the said presidial courts, provosts of marshals, vice-bailiffs, vice-seneschals, and others who give final judgment, shall, in consequence of what is now said, take cognizance of past disturbances; and as to crimes and excesses arising from other causes than said troubles, since the commencement of the month of March, 1585, until the end of the year 1597, in cases where they have jurisdiction, we desire that there shall be an appeal from their judgments to the chambers ordered by this edict, likewise for Catholic persons charged with crime, and when persons of the Pretended Reformed Religion shall be parties.

ARTICLE LXVI.

We also will and order that in all instructions other than criminal process, in the seneschalships of Toulouse, Carcassone, Rouergue, Laraguais, Beziers, Montpellier, and Nismes, that the magistrate or commissioner for said

instruction, if he be a Catholic, shall be bound to take an adjunct who shall be of the said Pretended Reformed Religion, on whom the parties shall agree, and when they cannot agree, one of the said Religion shall be selected for the office by the said magistrate or commissioner. So in like manner, if the said magistrate or commissioner is of the said Religion, he shall be bound in the same form above spoken of to take a Catholic adjunct.

Article LXVII.

In case criminal process is to be served by the provosts of marshals, or their lieutenants, on any one of the said Religion, being a householder, who shall be accused of prevotal crimes, the said provosts, or their lieutenants, if they are Catholics, shall be bound to call in to the instruction of said process, an adjunct of said Religion: which adjunct shall assist in the judgment of jurisdiction, and in the final judgment of said process: said jurisdiction shall be decided at the next sitting of the presidial court, in full bench of the principal officers of said court, who shall be present under penalty of having their proceedings declared null, except the accused demand that the jurisdiction be judged of in said chamber, ordained in the present edict. In which case, in regard to those being householders in the provinces of Guyenne, Languedoc, Provence, and Dauphiné, the deputies of our Procureurs-General shall make an inquest of these householders, and shall report the charges and accusations made against them, in order to decide whether the cases are prevotal or not, so that, according to the quality of the crimes, they shall be sent by said chambers for judgment to the ordinary or prevotal courts, as they shall see to be proper, by observing the contents of this edict. And the presidial judges, provosts of marshals, vice-bailiffs, vice-seneschals, and others who give final sentence, shall be bound respectively to obey and fulfil the commands made by the said chambers, as they have been accustomed to do at the said parliaments, under penalty of being deprived of their offices.

Article LXVIII.

The proclamations, post-bills and sales of inheritances in consequence of judgment, shall be made at the usual places and hours, if possible, according to our ordinances, or in public markets, if possible, in the places where the said inheritances are situated, and when not, they shall be made at the nearest market to the court in which the matter is to be adjudicated, and the bills shall be posted in the most public places of said market, and also in the entrance to session-house of said place, and by this means, the said proclamations shall be deemed good and valid, and not subject to arrest by the flaws which can be alleged against them.

Article LXIX.

All papers, titles, vouchers, and documents which have been taken, shall be returned and restored, by both parties, to those to whom they belong; though said papers, or the castles and houses in which they are kept, have been taken and seized, whether by special commissions of the late king last deceased, our very honored lord and brother-in-law, or our own, or by the commands of the

governors and lieutenant-generals of our provinces, or by the authority of the chiefs of either party, or under any other pretext whatever.

ARTICLE LXX.

The children of those who have withdrawn from our kingdom since the death of the late King Henry the Second, our very honored lord and father-in-law, on account of religion and the troubles, though the said children have been born out of this kingdom, shall be held for true Frenchmen and citizens ; and such we declare them, so that they shall not be under the necessity of taking out letters of naturalization, or other provisions than our present edict ; notwithstanding all ordinances to the contrary, which we have and do abrogate ; provided the said children born in foreign countries shall be bound, within ten years after the publication of the present edict, to take up their residence in this kingdom.

ARTICLE LXXI.

Those of the said Pretended Reformed Religion, and others who may have followed their party, who may have a lease previous to the troubles of registry-fees or other public property, tax, foreign imposition, and other rights to us appertaining, which they have been unable to enjoy the use of on account of the troubles, shall remain discharged, as we now discharge them, from payment of all they may have received of said finances or that they have paid without fraud, elsewhere than at the receivers' office, notwithstanding all obligations by them passed.

ARTICLE LXXII.

All places, cities and provinces of our kingdom, countries, lands and manors under our authority, shall use and enjoy the same privileges, immunities, liberties and franchises, fairs, markets, jurisdictions and courts of justice, as they were in possession of, previous to the troubles, beginning with the month of March, one thousand five hundred and eighty-five, and other years preceding, nothwithstanding all letters to the contrary and the transferences of said courts elsewhere : provided that they have been done solely on account of the troubles : which courts shall be remitted and reëstablished in the cities and places where they were originally.

ARTICLE LXXIII.

If there be any prisoners who are still held by authority of justice, or otherwise, even in the galleys, on account of the troubles, or of said Religion, they shall be freed and set at full liberty.

ARTICLE LXXIV.

Persons of the said Pretended Reformed Religion shall for the sequel be discharged from all ordinary or extraordinary charges, as well as Catholics, and in proportion to their possessions and facilities ; and the parties who wish to be discharged, can bring the matter before the judges to whom the jurisdiction belongs : and on all subjects, whether of the one religion or the other, shall be indifferently discharged from all charges, which have been imposed by the one

party on the other during the troubles against their consent; with debts contracted but not paid, expenses made without their consent, without, however, suffering the moneys employed in the payment of said charges to be reclaimed.

ARTICLE LXXV.

We do not mean, however, that those of the said Religion, and others who have followed their party, nor the Catholics who remained in the cities and places by them occupied and detained, and who have contributed, shall be prosecuted for the payment of taxes, aids, octrois, and other impositions and subsidies, which have expired, imposed during the troubles previous, and up to our accession to the crown, whether by edicts and commands of late kings our predecessors, or by the advice and deliberation of the governors and estates of the provinces, courts of parliaments, and others, from which we have and do discharge them, by forbidding the Treasurers-General of France and of our finances, general and special Receivers, their commissioners and agents, and other intendants and commissioners of our finances, from searching, molesting, or disturbing them, directly or indirectly, in any manner.

ARTICLE LXXVI.

All chiefs, lords, chevaliers, gentlemen, officers, corporations of cities and communities, and all others, who have aided and succored them, their widows, heirs, and successors, shall be quit of the payment of all moneys, which have been by them and their ordinances taken and levied, as well of royal property, whatever it may amount to, as of cities and communities, and private individuals, rents, revenues, plate, sales of furniture, ecclesiastical or otherwise, forests of full growth, whether of public property or otherwise, fines, pillage ransoms, or other kind of property, taken by them on account of the troubles begun in the month of March, 1585, and other troubles preceding until our accession to the crown, though those who have been commissioned by them for the levy of the said moneys, or who have given or furnished them, by these ordinances shall be in no manner disturbed therefor, either now or hereafter, and shall be quit, both they and their commissioners, of all the management and administration of the said moneys, by bringing in, within four months after the publication of the present edict, made in our court of parliament of Paris, their acquittances duly expedited by the chiefs of the said Religion, or by those who have been commissioned to audit and close the accounts.

Likewise they shall be acquitted and discharged for all acts of hostility, levy and conduct of troops, the fabrication and valuation of money made according to the ordinances of said chiefs, the casting and seizure of artillery and munitions, confections of powder and saltpetre, seizures, fortifications, dismantling and demolition of cities, castles, towns and villages, attacks upon the same, burning and destroying of churches and houses, establishment of courts, judgments and executions of the same, whether of civil or criminal cases, police and their regulation, voyages and intelligences, negotiations, treaties, and contracts made with all princes and foreign communities, and the introduction of the said strangers into cities and other places of our kingdom, and generally for all that has been done, undertaken, and negotiated during the said troubles,

since the death of the late King Henry the Second, our very honored lord and brother-in-law, by those of the said Religion and others who have followed their party, though it may not be particularly expressed and specified.

ARTICLE LXXVII.

Persons of the said Religion shall also be held harmless for all general and provincial assemblies by them made and held, as well at Mante as at other places, up to the present time, with councils by them established and ordered in the provinces, deliberations, ordinances, and regulations made at the said assemblies and councils, establishment and augmentation of garrisons, assemblage of troops, levy on and taking possession of our property, whether in the hands of receivers-general or private persons, parish collectors or otherwise, in whatever manner soever, seizures of salt, continuation or erection anew of roads, tolls, and the receipts from them, even at Royan, and upon the banks of the Bharente, Garonne, the Rhone, and Dordogne, armaments and battles by sea, and all accidents and excesses happening, to pay for the said journeys, tolls and other moneys, fortifications of cities, castles, and places, exactions of money and labor, receipts of the said money, destitution of our receivers and lease-holders, and other officers, establishment of others in their place, and of all reviews, despatches, and negotiations made, as well within as without our kingdom, and generally of all which has been done, deliberated, written, and ordered by the said assemblies and councils; so that those who have given their advice, signed, executed, caused to be signed and executed, the said ordinances, regulations, and deliberations, shall not be molested therefor, nor their widows, heirs, and successors, now or hereafter, although the full particulars are not here fully declared. And especially shall perpetual silence be imposed on our Procureurs-General and their substitutes, and on all those who are interested therein in what manner soever, notwithstanding all decrees, sentences, judgments, informations, and procedures made to the contrary.

ARTICLE LXXVIII.

We approve, besides, and render valid, and authorize the accounts, which have been heard and closed, and examined by the deputies of the said assembly; we wish that these, with the acquittances and papers which have been returned to those having accounts, should be carried to our chamber of accounts at Paris, three months after the publication of the present edict, and placed in the hands of our Procureur-General, to be delivered to the guardian of books and registers of our chamber, to be consulted whenever it shall be necessary, so that the said accounts shall not be reviewed, nor those rendering them bound to any appearance, correction as in case of omission, or false acquittances; imposing silence on our said Procureur-General, with regard to the surplus which may be thought to be defective, and in regard to the formalities which may not have been kept. Forbidding our officers of account, as well at Paris as in the other provinces where they are established, from taking any cognizance thereof in any manner whatsoever.

ARTICLE LXXIX.

And as it regards the accounts which have not been returned, we wish the same to be heard, closed, and examined by commissioners, who shall be

appointed by us, who shall without difficulty pass and allow the accounts paid by the said persons authorized in virtue of ordinances of the said assembly, or others having power.

Article LXXX.

All collectors, receivers, farmers, and all others, shall continue well and duly discharged for all sums of money that they have paid to the said commissioners of the said assembly, of whatsoever nature, even until the last day of this month. We wish the whole to be passed and allowed, at the accounts which shall be rendered at our chamber of accounts, purely and simply in virtue of the quittances which shall be brought in ; and if any shall be brought in hereafter, they shall continue null, and those who accept or pass them shall be fined for false use ; and if there should be any accounts already rendered, on which are found any erasures or changes, we have and do establish the said papers entirely in view of these presents, so that there will be no necessity for particular letters, nor any thing else, except an extract from the present article.

Article LXXXI.

Governors, captains, consuls, and persons commissioned to recover property, to pay the garrisons of places held by the party of the said Religion, whom our receivers and parish collectors may have supplied by loan upon their notes of hand and obligations, whether through constraint, or in obedience to the commands of the treasurers-general, with moneys required for the support of said garrisons until their regulation by the State allowance which we caused to be granted in the year one thousand five hundred and ninety-six, and the augmentation, since granted by us, shall be held acquitted and discharged of all payments made for the above purpose, although no express mention thereof is made in the said notes of hand and obligations, the same shall be returned as null. And to make the matter satisfactory, our receivers-general in each district shall furnish by the special receivers their quittances to the said collectors. For the discharge of the said receivers-general, there shall be sums of which they shall keep account, as is directed, indorsed on the orders levied by the royal treasurer, under the authority of the treasurers-general extraordinary of our wars, for the payment of the said garrisons ; and where the said charges shall not amount to so much as our said allowance granted in the year one thousand five hundred and ninety-six, and the said augmentation, we order, that it may be supplied, that new orders shall be granted of what may be necessary for the discharge of those who are responsible, and the restitution of the said promises and obligations, so that there shall be no demand for the future on those who have made them ; and that all writings necessary to render legal the discharge of those responsible, shall be granted, in virtue of the present article.

Article LXXXII.

Also, the members shall depart and desist from all practices, negotiations, and intelligences, as well within as without our kingdom ; and the said assemblies or councils, established in the provinces, shall separate promptly, and all

leagues and associations made, and to be made, shall be broken and annulled, as we now break and annul them ; forbidding, very expressly, our subjects from making without our permission hereafter any assessments and levies of moneys, fortifications, enrolments of men, congregations and assemblies, other than those permitted by our present edict, and without arms : which we now prohibit and forbid, under pain of being rigorously punished, as contemners and infractors of our commands and ordinances.

ARTICLE LXXXIII.

All captures made at sea during the troubles, in virtue of permission and consent given, and such as have been done by land from those of the contrary party, and which have been approved of by judges and commissioners of the admiralty, or by the leaders of the party of the said religion or their council, shall remain undisturbed, under the benefit of our present edict, so that there shall be no persecution ; nor shall the captains, and others who have made the said prizes, their sureties, and the said judges, officers, their widows and heirs, be disturbed or molested in any manner whatever, notwithstanding all decrees of our privy council, and parliaments ; and all letters of marque, and seizures pending and not decided, we wish to have fully and entirely replevied.

ARTICLE LXXXIV.

Nor shall persons of the said Religion be disturbed in like manner for the opposition and impediment they may have made heretofore, even previous to the troubles, to the execution of the decrees and judgments given for the re-establishment of the Catholic Religion, Apostolic and Roman, in divers places of this kingdom.

ARTICLE LXXXV.

And, as it regards whatever has been done or taken during the troubles beyond the regular course of hostilities, or by hostilities contrary to the public or private regulations of the leaders, or of communities of provinces which have power, the same may be prosecuted by the ordinary course of justice.

ARTICLE LXXXVI.

Nevertheless, if what was done by both parties contrary to the regulations, were, without any difference, excepted and reserved from the general amnesty contained in our present edict, and were liable to inquiry (prosecution), as every soldier could be prosecuted ; in consequence of which a renewal of disturbance could happen.

On that account, we will and order that only the extreme cases shall be exempt from the said abolition : as ravishing and rapes of women and girls, burnings, murders, and robberies made by treachery and ambuscade, out of the course of hostility, and to satisfy private vengeance, contrary to the rights of war, infractions of passports, and safeguards, with murder and pillage without order, in regard to those of the said religion and others, who have followed the party of the chiefs who had authority over them, founded on particular occasions, which have led them to command and order the above.

ARTICLE LXXXVII.

We also order that punishment shall be made for crimes and offences committed between persons of the same party, if said acts are not ordered by the leaders of either party, from the necessity, law, and order of war. And the levying and exacting of money, licenses to carry arms, and other exploits of war made by private authority, and without permission, shall be subject to the usual course of justice.

ARTICLE LXXXVIII.

In the cities dismantled during the troubles, the ruins and injuries of the same may, by our permission, be reëdified and repaired by the inhabitants, at their cost and expense, and the provisions made heretofore in regard to this matter shall hold in this case.

ARTICLE LXXXIX.

We order, will, and it pleases us, that all lords, chevaliers, gentlemen and others, of whatever quality and condition, of the said Pretended Reformed Religion, and others who have followed their party, shall enter upon, and be effectually guarded in, the enjoyment of all and each of their possessions, rights, names, consideration, and actions, notwithstanding the judgments rendered against them during the troubles, and on account of them, which decrees, seizures, and judgments, we finally have, and do declare null and void, and of no force and effect.

ARTICLE XC.

The acquisitions that those of the Pretended Reformed Religion, and others who have followed their party, have made, by the authority of others than the late king's, our predecessor's, from the lands or houses belonging to the Church, shall have no force and effect ; but we order, wish, and it is pleasing to us, that the ecclesiastics shall recover directly, and without delay, and be protected in, the possession and enjoyment, real and actual, of the said properties thus alienated, without being bound to return the price of said sales, and that, notwithstanding the said contracts of sale, which for that purpose we have annulled and revoked : nor shall the said purchasers have any claim on the chiefs, by whose authority the said sales have been made. Nevertheless, for the reimbursement of the money, by them truly and faithfully paid out, letters patent of permission shall be granted to persons of the said Religion, to impose and equalize on themselves the sums for which said sales have amounted to ; but the said purchasers shall bring no action for damages and interest, of which they have been deprived, but shall content themselves with the reimbursement of moneys by them furnished for the purchase of such acquisitions ; deducting therefrom the worth of the revenues by them received, in case the said sale shall be found to have been made at a vile and unjust price.

ARTICLE XCI.

And, in fine, that our justices, officers, as others our subjects, may clearly and with all certitude be informed of our will and intention, and, in order to

take away all ambiguities and doubts which may be made by means of preceding edicts, from their diversity, we have and do declare all other preceding edicts, secret articles, letters, declarations, modifications, restrictions, interpretations, decrees and registries, secret deliberations, or otherwise, heretofore by us or our predecessors made in our courts of parliament or otherwise, concerning the said Religion, and the troubles arising in our kingdom, to be null and of no effect ; which, and the derogatory clauses therein contained, we have, by this our edict, derogated, and do derogate them, and, from the present time, do destroy, revoke, and annul them ; declaring expressly, that we wish this our edict to be firm and inviolable (*firme et inviolable*) guarded and observed, as well by our judges, officers, as others our subjects, without its being impeded, or any regard being had to any thing to the contrary, or derogatory thereto.

ARTICLE XCII.

And for the greater assurance of its preservation and observance, we will, order, and it pleases us, that all the governors and lieutenant-generals of our provinces, bailiffs, seneschals, and other ordinary judges of cities of our kingdom, shall, directly after the reception of this edict, swear to guard and to observe it each in his own jurisdiction, as well as the mayors, sheriffs, capitouls, consuls, and aldermen of cities, annual or perpetual. We enjoin it also on our bailiffs, seneschals, or their lieutenants, and other judges, to have it administered to the principal inhabitants of the said cities, as well of one as the other religion. Placing all the said cities under our protection and safeguard, and the one under the protection of the other, charging them respectively, and by public acts, to respond by the ordinary courts to infractions which may be made to this our edict, in the said cities, by the inhabitants of the same, or to represent and place the matter into the hands of justice. We command our true and liege people holding our courts of parliament, chambers of accounts, and courts of aids, that directly after the reception of the present edict, they shall, all things ceasing, under pain of rendering their other acts null, take the same oath as above, and cause this our said edict to be registered and published in our courts, according to the form and tenor thereof, purely and simply, without using any modifications, restrictions, declarations, and secret registries, nor wait for any other order or command from us ; and we order our Procureurs-General to require and forward without delay the said publication.

[Then follows the order to read, publish and register this Edict.]

Given at Nantes, in the month of April, in the year of our Lord, one thousand five hundred and ninety-eight ; and of our reign, the ninth.

Signed HENRY ; and above : By the King, being in his council, FORGET.

And sealed with the great seal of green wax, upon a ground of red and green silk. Read, published, and registered, etc. Signed, VOYSIN.

DOCUMENT III.

The Edict of Revocation by Louis XIV., A.D. 1685.

Édit du Roy, du mois d'Octobre 1685, portant révocation de celui de Nantes ; et défenses de faire aucun exercise public de la R. P. R. dans son Royaume.

(See page 34.)

At the commemoration of the Revocation, which was in fact a celebration of the Edict of Nantes and a condemnation of its Revocation, a fac-simile of this document was made in Paris, a copy of which I have deposited in the library of the Union Theological Seminary in New York. It covers eight pages 4to. I give the last page on a reduced scale as a specimen.

Louis by the grace of God King of France and Navarre ; to all present and future, greeting. The King Henry the Great, our grandfather of glorious memory, wishing that the peace he had procured for his subjects after the great losses they had suffered by the civil and foreign wars, should not be disturbed on account of the said R. P. R.[1] (Pretended Reformed Religion), as had happened in the reigns of the kings his predecessors, did, by his edict given at Nantes, in the month of April, 1598, regulate the conduct to be pursued towards those of the said Religion, the places where they could exercise it, established extraordinary judges to administer justice to them, and in fine, provided by private articles for all which might be deemed necessary to maintain tranquillity in his kingdom, and to diminish the aversion between persons of both religions ; in fine, that he might be in a better state to work, as he had resolved to do, to reunite to the church those who had so easily withdrawn from it. And as the intention of the King our said grandfather was not effected on account of his sudden death, and as the execution of the said edict was even interrupted during the minority of the late King, our very honored lord and father of glorious memory, by new enterprises of the said R. P. R., which gave occasion to deprive them of divers advantages which had been granted them by the said edict. However, the King our said late lord and father, using his usual clemency, granted them a new edict at Nîsmes, in the month of July, 1629, by means of which tranquillity being again established, and the said late King being animated by the same spirit and the same zeal for religion as the King our late grandfather, resolved to profit by this repose to attempt the execution of his pious design ; but the foreign wars happening a few years after, so that from 1635 till the truce concluded in the year 1684 with the Princes of Europe, the kingdom being scarcely a moment free from agitation, it was impossible to do any thing for the advantage of religion except to diminish the number of exercises of the R. P. R. by the interdiction of such as were found to be prejudicial to the provisions of the edicts and by the suppression of the mixed Chambers, whose erection had been made only provisionally. God having at length permitted our people to enjoy perfect repose, and we ourselves not being occupied with the cares of protecting them against our enemies, having it in our power to take advantage of this truce to

[1] *i. e.*, *Réligion Prétendue Reformée*, the title uniformly given to the Reformed Church in this Edict, and in the Edict of Nantes.

bestow our entire application in order to find the means of succeeding in the designs of the Kings our said grandfather and father, into which we have entered from our first accession to the crown. We see now with the just gratitude we owe to God, that our pains have the end which we proposed, since the better and larger portion of our subjects of the said R. P. R. have embraced the Catholic Religion : and inasmuch as the execution of the said edict, and of all that has been ordered in favor of the said R. P. R. has been useless, we have judged that we could do nothing better to efface entirely the memory of the troubles, of the confusion and the misfortunes that the progress of this false religion has caused in our kingdom, and which have given room for the said edict, and to so many other edicts and declarations which have preceded or been made in consequence of it, than to revoke entirely the Edict of Nantes, and the special articles granted in consequence of it and all that has been done in favor of the said Religion.

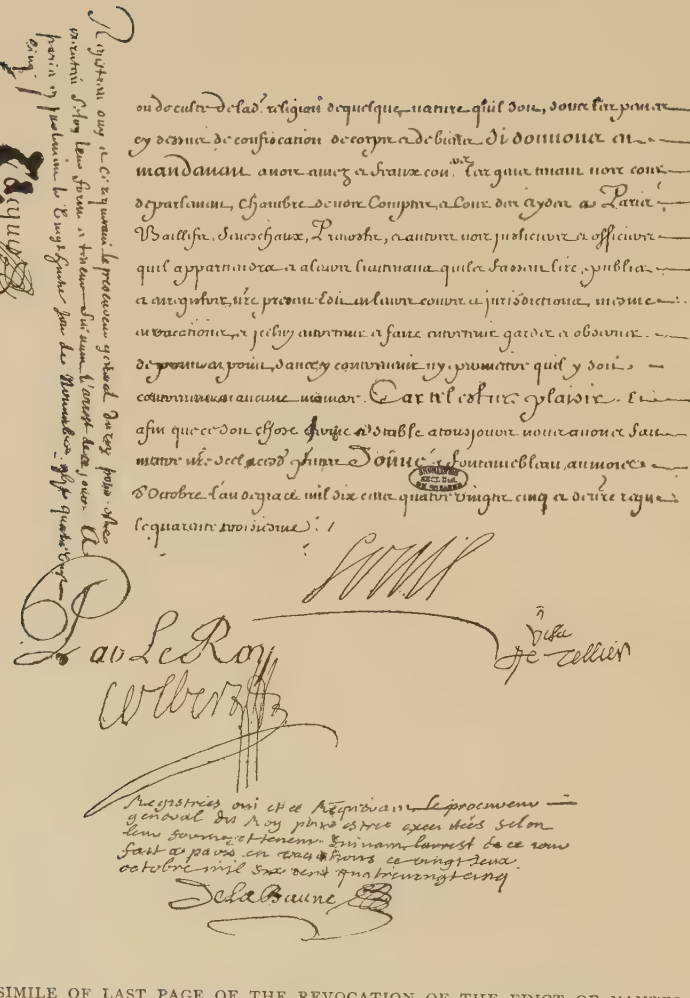
I. Be it known, that we for these and other causes moving us thereto, and of our certain knowledge, full power and royal authority, have by this present perpetual and irrevocable Edict suppressed and revoked, do suppress and revoke (*supprimons et révoquons*) the Edict of the King our said grandfather, given at Nantes in the month of April, 1598, in its whole extent (*en toute son étendue*), with the particular articles decreed the 2d of May following, and the letters patent granted from them, and the edict given at Nîsmes in the month of July, 1629, declaring them null and void, with all the concessions made as well by them as by other edicts, declarations and decrees made to people of the said R. P. R., of what nature soever they may be, which shall remain in like manner as though they had not been ; and in consequence, we will, and it pleases us that all the temples of those of the said R. P. R., situated within our kingdom, countries, lands, and seigneuries, under our authority, shall be immediately destroyed (*soient incessamment démolis*).

II. We forbid our subjects of the R. P. R. from assembling again for the exercise of said Religion in any other place or private house, under any pretext whatever, even if the said exercises have been allowed by decrees of our council.

III. We forbid in like manner all lords of whatever quality from the exercise thereof in their houses and fiefs, of what quality soever the fiefs may be, under pain, against all our subjects who shall take part in the said exercise, of confiscation of body and goods.

IV. We command all ministers of said R. P. R., who will not be converted to, and embrace, the Catholic, Apostolic and Roman Religion, to leave our kingdom and lands under our authority, within fifteen days after the publication of our present Edict, without making any delay, nor, during the said time of fifteen days, shall they preach, exhort, or have any other exercise thereof, under penalty of the galleys.

V. We will that those said ministers, who shall be converted, shall continue to have, during their lives, and their widows after their decease, the same exemptions from taxes, and from the lodging of soldiers, which they have enjoyed whilst they were ministers, and further, we will pay to the said ministers, during their lifetime, a pension one third larger than their salaries as minis-



FAC-SIMILE OF LAST PAGE OF THE REVOCATION OF THE EDICT OF NANTES.

ters, a moiety of which shall be allowed to their widows after their decease, as long as they remain in a state of widowhood.

VI. If any of the said ministers shall desire to become lawyers, or to take the degree of Doctor of Law, we will and intend that they shall dispense with the three years of study prescribed by our declarations ; and having passed the usual examinations, and by them shown to be capable, they shall be received as doctors by paying only a half of the fees usually paid for that end at each university.

VII. We forbid private schools for the instruction of the children of the said R. P. R., and, generally, all things whatever, which can be considered a concession, whatever it may be, in favor of said Religion.

VIII. With regard to the children of persons of the said R. P. R., born hereafter, we order that they shall for the future be baptized by the parish priest. We enjoin on fathers and mothers to send them to church for that purpose, under pain of a penalty of five hundred livres ; and the children afterwards shall be educated in the principles of the Catholic, Apostolic and Roman Religion of which we expressly order our judges to see to the execution.

IX. And, as a mark of our clemency towards our subjects of the said R. P. R., who may have withdrawn from our kingdom, countries and possessions, previous to the publication of our present Edict, We will and command that, in case they shall return within four months from the day of said publication, they can, and shall be allowed to enter on the possession of their property, and to enjoy the same as fully as though they had always remained here ; on the contrary, the properties of those who shall not return within the said four months, in our kingdom, or countries or lands under our authority, which they have abandoned, shall remain and be confiscated in consequence of our declaration of the 20th of August last.

X. We make very express and repeated prohibitions to all our subjects of the said R. P. R. from departing, them, their wives and children, from our said kingdom, countries and lands under our authority, or from carrying away their properties and effects, under pain, for the men, of the galleys, and of confiscacation of body and goods for the women.

XI. We will and understand that the declarations made against relapses shall be executed according to their form and tenor.

With regard to the remainder of the said R. P. R., until it shall please God to enlighten them, as he has the rest, they shall continue to dwell in the cities and places of our kingdom, countries and lands under our authority, and may continue their business, and enjoy the possession of their property without being troubled or disturbed under pretext of the said R. P. R., on condition, as has been said, of having no exercise, nor assembling under pretext of prayer, or of worship of said Religion, of any nature whatever, under the above-mentioned penalties of body and goods.

[Then follows the order for the publication and execution of the Edict.]

Given at Fontainebleau, in the month of October, 1685, and of our reign the forty-third. Signed LOUIS. And upon the fold the signature of LE TELLIER, and upon the side : By the king, COLBERT. And sealed with the great seal of green wax, upon a ground of red and green silk.

Enregistered, in the CHAMBRE DES VACATIONS, 22 October 1685. Signed DE LA BAUNE.

DOCUMENT IV.

The Edict of Potsdam, Issued by Frederick William, Elector of Brandenburg, Oct. 29, 1685.

(See page 41.)

This is not the first, but the most remarkable, liberal and effective Edict, extending hospitality to the persecuted Protestants of France. Similar invitations were issued by the Electors of the Palatinate 1607, 1652, 1662, 1672, 1680, 1682, 1683; Landgrave Charles I. of Hesse-Cassel, 1685; King Christian V. of Denmark, 1681; King Charles II. of England, 1681; the City of Amsterdam, 1681; the United Provinces of Holland, 1681; and the American colonies. The largest collections for the Refugees were made in Geneva, Holland, and England. Germany was poor and still exhausted by the Thirty Years' War. The Edict was published in French and German. See Weiss, *l.c.*, II., 390 *sqq.* Tollin, *Geschichte der französ. Colonie von Magdeburg*, Vol. I., 274 *sqq.*

Frederick William, by the grace of God, Margrave of Brandenburg, Arch-Chamberlain, and Prince Elector of the Holy Roman Empire, etc. As the persecutions and rigorous procedures put in force for some time in France against persons of the Reformed Religion, have obliged many families to leave the kingdom, and to strive for an establishment in foreign countries, it is our wish, touched with the just compassion we ought to feel for those who unhappily suffer for the gospel, and for the purity of the faith we confess with them, by the present Edict, signed with our own hand, to offer to the said Frenchmen a sure and free retreat in all the lands and provinces of our dominion, and to declare at the same time what rights, franchises, and advantages we intend they shall enjoy, to the end that we may alleviate and obviate in some sort the calamities with which Divine Providence has found good to strike a portion so considerable of his Church.

1. In fine, that all who shall take the resolution of coming here to live, may find as much facility as possible in getting here, we have given orders to our Envoy Extraordinary, near Messieurs the States General of the United Provinces, the Sr. Diest, and our Commissioner at the city of Amsterdam, the Sr. Romswinckel, to furnish, at our expense, to all those of the said Religion who apply to them, the boats and provisions they may stand in need of to transport themselves, properties and families, from Holland to the city of Hamburg, where our councillor of State and Resident in the circle of lower Saxony, the Sr. de Gerike, will furnish them with all commodities they may stand in need of, to come into said city and province of our States, that they may find it good to choose to live in.

2. Such as leave France on the side of Sedan, Champagne, Lorraine, Bourgogne, or the southern provinces of that kingdom, and who do not find it convenient to come by way of Holland, have only to go to Frankfort-on-the-Main, and to apply to Sr. Mérian, our Consul and Resident in that city, or to Sr. Léti, our agent, whom we have also commanded to assist with money, passports and boats, to descend the Rhine into our Duchy of Cleves.

3. Those who shall desire to establish themselves in our Provinces, shall choose such place as may suit them in the countries of Marck, Ravensberg, and Minde; or in those of Magdeburg, Halberstadt, Brandenburg, Pomerania,

and Prussia; and as we think that the Electoral Marche, the cities of Stendal, Werbe, Rathenow, Brandenburg, and Frankfort, and in the counties of Magdeburg, the cities of Magdeburg, Halle, and Calbe, as also in Prussia the city of Koenigsberg, would be more commodious for them, whether we regard the facility of obtaining nourishment, provisions, and subsistence at a low price, or with regard to business; we have ordered that as soon as any of the said Frenchmen shall arrive, they shall be well received, and furnished with all they may need for their establishment, giving them, besides, entire liberty, and leaving it to their own disposition to determine in what city or province of our states they think most convenient for them.

4. The goods, furniture, merchandise, wares that they bring with them shall not be subject to any taxes, custom-house duties, but shall be exempt from all charges and impositions of whatever name and nature.

5. In case that in the cities, towns, and villages where the said refugees shall go to establish themselves, there should be found any houses ruined, empty, or abandoned by their possessors, and which the proprietors are unable to repair, we give and assign them to those persons in full right of property for them and their heirs; we will endeavor to satisfy the proprietors according to the value of said houses, and to disengage them of all charges with which they may yet be bound, whether for mortgages, debts, contributions or other dues heretofore affecting them. We will also supply them with wood, lime, stone, brick, and other things they may need to repair what they find ruinous and decayed in the said houses, which shall be free and exempt for six years from all sorts of taxes, watches, lodgment of soldiers and other charges, and shall pay during the said time of franchise the fees of sale alone.

6. In the cities and other places where are found proper places for building, persons of the said Religion, who have retired here, shall be authorized to take possession for themselves and heirs, as also all gardens, fields, and meadows appertaining thereto, without being obliged to pay any charges with which the said places and their dependencies may be affected; and to facilitate the construction of the said houses, we will furnish all the materials which they may stand in need of, and grant them ten years of franchise, during which they shall be subject to no charges except the said charges for sale. And, as our intention is to make these establishments here as easy for them as possible, we have commanded the magistrates and other officers of our said provinces to search in each city for houses to rent, in which they can be lodged when they arrive, promising to pay for them and for their families four years of rent of the said houses, provided they engage to build in time on the places selected for them on the above-mentioned conditions.

7. As soon as they have fixed their residences in any city or town of our states, they shall be granted the rights of citizenship, and become members of the Trade Associations, which it is proper for them to enter, and enjoy the same privileges as those who were born and have lived all their lives in said cities and towns, and without paying any thing, or being liable to the escheat tax, or any other of whatever nature laid on strangers in other countries and States, but shall be treated and considered wholly and everywhere in the same light as our natural subjects.

8. Those who may wish to undertake any manufacture or work, whether of cloths, stuffs, hats, or of any other kind of merchandise it may please them, shall not only have all the privileges, grants, and franchises they may need, but they shall be supplied with assistance of money, and of such provisions and furniture as they may judge necessary for their designs.

9. To peasants and others wishing to go to the country, we will assign a certain extent of land to cultivate, and they shall receive all the assistance needed for their subsistence at the first, in like manner as we have done by a considerable number of Swiss families who have come to live in our states.

10. In regard to jurisdiction and manner of settling differences, arising among the said Frenchmen of the Reformed religion, we give permission that in those cities where there are some of their families established, they can choose one from their number, who shall be authorized to settle their differences in an amicable manner, without any formality or process ; and, if these differences arise between Germans and Frenchmen, they shall be decided conjointly by the magistrates and by the person chosen from among the French above mentioned ; and, also, they shall decide those cases among the French, which they are unable to settle by the amicable agreement above spoken of.

11. We will salary a minister in every city, and will assign a fitting plan for the exercise of the religion in French, according to the customs and with the same ceremonies hitherto in use by them in France.

12. Such French noblemen as have placed themselves under our protection and entered our service, shall actually enjoy the same honors, dignities, and advantages, as those of the country, and may be even advanced to the first places at court, and command of our troops. We will also grant the same favors to those of the said nobility who shall hereafter dwell in our States, giving them employment, honors, and dignities, of which they may be capable ; and if they purchase fiefs or other property, and lands of noblemen, they shall hold them with the same rights, liberties, and prerogatives, as the nobility of the country.

13. All privileges and other rights spoken of above, shall hold not only with regard to those of the French nation who may arrive at the date of the present Edict, but also such as shall hereafter come here to live, provided they are exiles from France on account of the " Reformed " religion ; those, however, making a profession of the Roman religion, are not entitled to them.

14. We establish commissions in each of our provinces, duchies, and principalities, to whom Frenchmen of the " Reformed " religion may have recourse if there be need, not only in the beginning of their coming here but afterwards. And all our governors and regents of our provinces and States have orders, in virtue of these presents and of the particular commands we shall send them, to take the said persons under their protection, and to maintain them in all the privileges indicated above, and not to allow them to suffer any wrong or injustice, but rather all kinds of favor, aid, and assistance.

Given at Potsdam, the 29th October, 1685.

(Signed.) FREDERICK WILLIAM.

DOCUMENT V.

The Act of Toleration. A. D. 1689.

Anno Primo Gulielmi et Mariæ. Ch. 18.

An Act for exempting their Majesties' Protestant subjects, dissenting from the Church of England, from the penalties of certain laws.

(See page 51.)

[From "The Statutes at large from the first year of King William and Queen Mary to the eighth year of King William III."—Vol. IX. page 19–25. Cambridge, 1764. The preamble is counted as Art. 1.]

Forasmuch as some ease to scrupulous consciences, in the exercise of religion, may be an effectual means to unite their Majesties' Protestant subjects in interest and affection :—

The several laws do not extend to Dissenters.

II. Be it enacted by the King's and Queen's Most Excellent Majesties, by and with the advice and consent of the Lords spiritual and temporal, and the Commons in this present Parliament assembled, and by the authority of the same, That neither the Statute made in the three and twentieth year of the reign of the late Queen Elizabeth, intituled an Act to retain the Queen's Majesty's subjects in their due obedience ; nor the Statute made in the twenty-ninth year of the said Queen, intituled an Act for the more speedy and due execution of certain branches of the Statute made in the three and twentieth year of the Queen's Majesty's reign—viz., the aforesaid Acts ; nor that branch or clause of a Statute made in the first year of the reign of the said Queen, intituled an Act for the uniformity of common prayer and service in the Church, and administration of the Sacraments ; whereby all persons, having no lawful or reasonable excuse to be absent, are required to resort to their parish church or chapel, or some usual place where the Common Prayer shall be used, upon pain of punishment by the censures of the Church, and also upon pain that every person so offending shall forfeit for every such offence twelve pence ; nor the Statute made in the third year of the reign of the late King James the First, intituled an Act for the better discovering and repressing Popish recusants ; nor that other Statute made in the same year, intituled an Act to prevent and avoid dangers which may grow by Popish recusants ; nor any other law or Statute of this realm made against Papists or Popish recusants, except the Statute made in the five and twentieth year of King Charles the Second, intituled an Act for preventing dangers which may happen from Popish recusants ; and except also the Statute made in the thirtieth year of the said King Charles the Second, intituled an Act for the more effectual preserving the King's person and Government, by disabling Papists

23 Eliz. c. 1.

29 Eliz. c. 6.

1 Eliz. c. 2. f. 14.

3 Jac. 1. c. 4.

3 Jac. 1. c. 5.

Exception.

25 Car. 2. c. 2.

30 Car. 2. stat. 2. c. 1.

from sitting in either House of Parliament; shall be construed to extend to any person or persons dissenting from the Church of England, that shall take the oaths mentioned in a Statute made this present Parliament, intituled an Act for removing and preventing all questions and disputes concerning the assembling and sitting of this present Parliament; and shall make and subscribe the declaration mentioned in a Statute made in the thirtieth year of the reign of King Charles the Second, intituled an Act to prevent Papists from sitting in either their House of Parliament; which oaths and declaration the Justices of Peace at the general Sessions of the Peace, to be held for the County or place where such person shall live, are hereby required to tender and administer to such persons as shall offer themselves to take, make, and subscribe the same, and thereof to keep a register; and likewise none of the persons aforesaid shall give or pay, as any fee or reward, to any officer or officers belonging to the Court aforesaid, above the sum of sixpence, nor that more than once, for his or their entry of his taking the said oaths, and making and subscribing the said declaration; nor above the further sum of sixpence for any certificate of the same, to be made out and signed by the officer or officers of the said Court.

Supra. c. 1.

30 Car. 2. stat. 2. c. 1. Taking declaration to be registered.

Fee for register and certificate.

Persons convicted, &c., taking the oaths, &c., shall be discharged.

III. And be it further enacted by the authority aforesaid, that all and every person and persons, already convicted or prosecuted in order to conviction of recusancy, by indictment, information, action of debt, or otherwise, grounded upon the aforesaid statutes, or any of them, that shall take the said oaths mentioned in the said statutes made this present Parliament, and make and subscribe the declaration aforesaid, in the Court of Exchequer, or Assize, General or Quarter Sessions to be held for the county where such person lives, and to be thence respectively certified into the Exchequer, shall be thenceforth exempted and discharged from all the penalties, seizures, forfeitures, judgments, and executions, incurred by force of any of the aforesaid statutes, without any composition, fee, or further charge whatsoever.

IV. And be it further enacted by the authority aforesaid, That all and every person and persons that shall, as aforesaid, take the said oaths, and make and subscribe the declaration aforesaid, shall not be liable to any pains, penalties, or forfeitures, mentioned in an Act made in the five and thirtieth year of the reign of the late Queen Elizabeth, intituled an Act to retain the Queen's Majesty's subjects in their due obedience; nor in an Act made in the two and twentieth year of the reign of the late King Charles the Second, intituled an Act to prevent and suppress seditious conventicles; nor shall any of the said persons be prosecuted in any ecclesiastical court, for or by reason of their non-conforming to the Church of England.

35 El. c. 1.

22 Car. 2. c. 1. Ecclesiastical court.

V. Provided always, and be it enacted by the authority aforesaid, That if any assembly of persons dissenting from the Church of England shall be had in any place for religious worship with the doors locked, barred, or bolted, during any time of such meeting together, all and every person or persons that shall come to and be at such meeting shall not receive any benefit from this law, but be liable to all the pains and penalties of all the aforesaid laws recited in this Act, for such their meeting, notwithstanding his taking the oaths and his making and subscribing the declaration aforesaid. Private meetings excluded.

VI. Provided always, That nothing herein contained shall be construed to exempt any of the persons aforesaid from paying of tithes or other parochial duties, or any other duties to the Church or minister; nor from any prosecution in any ecclesiastical court or elsewhere, for the same. Tythes saved.

VII. And be it further enacted by the authority aforesaid, That if any person dissenting from the Church of England, as aforesaid, shall hereafter be chosen or otherwise appointed to bear the office of high-constable, or petit-constable, church-warden or overseer of the poor, or any other parochial or ward office, and such person shall scruple to take upon him any of the said offices in regard of the oaths, or any other matter or thing required by the law to be taken or done in respect of such office, every such person shall and may execute such office or employment by a sufficient deputy, by him to be provided, that shall comply with the laws on this behalf. Provided always the said deputy be allowed and approved by such person or persons, in such manner as such officer or officers respectively should by law have been allowed and approved. Officers scrupling oaths, &c., allowed to act by deputy.

VIII. And be it further enacted by the authority aforesaid, That no person dissenting from the Church of England in holy orders, or pretended holy orders, or pretending to holy orders, nor any preacher or teacher of any congregation of dissenting Protestants, that shall make and subscribe the declaration aforesaid, and take the said oaths at the General or Quarter Sessions of the Peace to be held for the county, town, parts, or division where such person lives, which Court is hereby empowered to administer the same, and shall also declare his approbation of and subscribe the articles of religion mentioned in the Statute made in the thirteenth year of the reign of the late Queen Elizabeth, except the thirty-fourth, thirty-fifth, and thirty-sixth, and these words of the twentieth article—viz. [the Church hath power to decree rites or ceremonies, and authority in controversies of faith, and yet] shall be liable to any of the pains or penalties mentioned in an Act made in the seventeenth year of the Persons in orders how exempted from. 17 Car. 2. c. 2. 13 and 14 Car. 2. c. 4. 13 Eliz. c. 12.

17 Car. 1. c. 4. reign of King Charles the Second, intituled an Act for restraining Nonconformists from inhabiting in corporations; nor the penalties mentioned in the aforesaid Act made in the two-and-twentieth year of his said late Majesty's reign for or by reason of such persons preaching at any meeting for the exercise of religion; nor to the penalty of one hundred pounds mentioned in an Act 13 and 14 Car. 2. c. 4. made in the thirteenth and fourteenth of King Charles the Second, intituled an Act for the uniformity of publick prayers, and administration of sacraments, and other rites and ceremonies; and for establishing the form of making, ordaining, and consecrating of bishops, priests, and deacons in the Church of England, for officiating in any congregation for the exercise of religion permitted and allowed by this Act.

Taking the oaths, &c., to be registered. IX. Provided always, That the making and subscribing the said declaration, and the taking the said oaths, and making the declaration of approbation and subscription to the said articles, in manner as aforesaid, by every respective person or persons herein before mentioned, at such General or Quarter Sessions of the peace as aforesaid, shall be then and there entered of record in the said Court, for which sixpence shall be paid to the clerk of the peace, and no more: provided that such person shall Meeting-door to be unlocked. not at any time preach in any place, but with the doors not locked, barred, or bolted, as aforesaid.

Anabaptists. X. And whereas some dissenting Protestants scruple the baptizing of infants; be it enacted by the authority aforesaid, That every person in pretended holy orders, or pretending to holy orders, or preacher, or teacher, that shall subscribe the aforesaid articles of religion, except as before excepted, *i. e.*, except the three articles and part of the twentieth article mentioned in VIII., and also except part of the seven and twentieth article touching infant baptism, and shall take the said oaths, and make and subscribe the declaration aforesaid, in manner aforesaid, every such person shall enjoy all the privileges, benefits, and advantages, which any other dissenting minister, as aforesaid, might have or enjoy by virtue of this Act.

Teachers exempt from offices. XI. And be it further enacted by the authority aforesaid, That every teacher or preacher in holy orders, or pretended holy orders, that is, a minister, preacher, or teacher of a congregation, that shall take the oaths herein required, and make and subscribe the declaration aforesaid, and also subscribe such of the aforesaid articles of the Church of England as are required by this Act in manner aforesaid, shall be thenceforth exempted from serving upon any jury, or from being chosen or appointed to bear the office of church-warden, overseer of the poor, or any other parochial or ward office or other office in

any hundred of any shire, city, town, parish, division, or wapentake.

Justice of Peace may tender the oaths, &c.

XII. And be it further enacted by the authority aforesaid, That any Justice of the Peace may at any time hereafter require any person, that goes to any meeting for exercise of religion, to make and subscribe the declaration aforesaid, and also to take the said oaths or declaration of fidelity hereinafter mentioned, in case such person scruples the taking of an oath; and upon refusal thereof, such Justice of the Peace is hereby required to commit such person to prison without bail or mainprize, and to certify the name of such person to the next General or Quarter Sessions of the peace to be held for that county, city, town, part or division, where such person then resides; and if such person so committed shall upon a second tender at the General or Quarter Sessions scruple to make and subscribe the declaration aforesaid, such person refusing shall be then and there recorded, and he shall be taken thenceforth to all intents and purposes for a Popish recusant convict, and suffer accordingly, and incur all the penalties and forfeitures of all the aforesaid laws.

Penalty for refusing.

Quakers—how exempted.

Altered as to Quakers by 8 Geo. 1. c. 6.

XIII. And whereas there are certain other persons, dissenting from the Church of England, who scruple the taking of any oath; be it enacted by the authority aforesaid, That every such person shall make and subscribe the aforesaid declaration, and also this declaration of fidelity following—viz:

Declaration of fidelity.

I, A. B., do sincerely promise and solemnly declare before God and the world that I will be true and faithful to King William and Queen Mary; and I do solemnly profess and declare that I do from my heart abhor, detest, and renounce, as impious and heretical, that damnable doctrine and position, That Princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murthered by their subjects, or any other whatsoever. And I do declare that no foreign prince, person, prelate, State, or potentate, hath, or ought to have, any power, jurisdiction, superiority, preëminence, or authority ecclesiastical or spiritual, within this realm.

And shall subscribe a profession of their Christian belief in these words:—

Profession.

I, A. B., profess faith in God the Father, and in Jesus Christ His Eternal Son, the true God, and in the Holy Spirit; one God blessed for evermore; and do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine inspiration.

Which declarations and subscription shall be made and entered of record at the General or Quarter Sessions of the peace for the county, city, or place where every such person shall then reside. And every such person that shall make and subscribe the two

declarations and profession aforesaid, being thereunto required, shall be exempted from all the pains and penalties of all and every the aforementioned statutes made against Popish recusants, or Protestant Nonconformists, and also from the penalties of an
5 Eliz. c. 1. Act made in the fifth year of the reign of the late Queen Elizabeth, intituled an Act for the assurance of the Queen's Royal power over all estates and subjects within her dominions, for or by reason of such persons not taking or refusing to take the oath mentioned in the said Act; and also from the penalties of an Act
13 and 14 Car. 2 c. 1. made in the thirteenth and fourteenth years of the reign of King Charles the Second intituled an Act for preventing mischiefs that may arise by certain persons called Quakers, refusing to take lawful oaths; and enjoy all other the benefits, privileges, and advantages under the like limitations, provisoes, and conditions, which any other Dissenters shall or ought to enjoy by virtue of this Act.

How purged after refusal of the oaths.

XIV. Provided always, and be it enacted by the authority aforesaid, That in case any person shall refuse to take the said oaths, when tendered to them, which every Justice of the Peace is hereby empowered to do, such person shall not be admitted to make and subscribe the two declarations aforesaid, though required thereunto either before any Justice of the Peace, or at the General or Quarter Sessions, before or after any conviction of Popish recusancy, as aforesaid, unless such person can, within thirty-one days after such tender of the declaration to him, produce two sufficient Protestant witnesses to testify upon the oath that they believe him to be a Protestant Dissenter, or a certificate under the hands of four Protestants, who are conformable to the Church of England, or have taken the oaths and subscribed the declaration above mentioned, and shall also produce a certificate under the hands and seals of six or more sufficient men of the congregation to which he belongs, owning him for one of them.

XV. Provided also, and be it enacted by the authority aforesaid, That until such certificate, under the hands of six of his congregation, as aforesaid, be produced, and two Protestant witnesses come to attest his being a Protestant Dissenter, or a certificate under the hands of four Protestants, as aforesaid, be produced, the Justice of the Peace shall and hereby is requested to take a recognizance with two sureties in the penal sum of fifty pounds, to be levied on his goods and chattels, lands, and tenements, to the use of the King's and Queen's Majesties, their heirs and successors, for his producing the same; and if he cannot give such security, to commit him to prison, there to remain until he has produced such certificate, or two witnesses, as aforesaid.

Laws for divine service in force.

XVI. Provided always, and it is the true intent and meaning of this Act, That all the laws made and provided for the fre-

quenting of Divine Service on the Lord's Day, commonly called Sunday, shall be still in force, and executed against all persons that offend against the said laws, except such persons come to some congregation or assembly of religious worship allowed or permitted by this Act.

Papists, &c., excepted.

XVII. Provided always, and be it further enacted by the authority aforesaid, That neither this Act, nor any clause, article, or thing herein contained, shall extend, or be construed to extend, to give any ease, benefit, or advantage to any Papist or Popish recusant whatsoever, or any person that shall deny in his preaching or writing the doctrine of the Blessed Trinity, as it is declared in the aforesaid articles of religion.

Disturbers of religious worship—how punished. See 1 Geo. 1. stat. 2. c. 5. s. 4.

XVIII. Provided always, and be it enacted by the authority aforesaid, That if any person or persons, at any time or times after the tenth day of June, do and shall willingly and of purpose, maliciously or contemptuously, come into any cathedral, or parish church, chapel, or other congregation permitted by this Act, and disquiet or disturb the same, or misuse any preacher or teacher, such person or persons, upon proof thereof before any Justice of Peace, by two or more sufficient witnesses, shall find two sureties to be bound by recognizance in the penal sum of fifty pounds, and in default of such sureties shall be committed to prison, there to remain till the next General or Quarter Sessions; and upon conviction of the said offence at the said General or Quarter Sessions, shall suffer the pain and penalty of twenty pounds, to the use of the King's and Queen's Majesties, their heirs and successors.

Place for worship to be certified.

XIX. Provided always, that no congregation or assembly for religious worship shall be permitted or allowed by this Act, until the place of such meeting shall be certified to the Bishop of the diocese, or to the Archdeacon of that Archdeaconry, or to the justices of the peace at the General or Quarter Sessions of the peace for the county, city, or place in which such meeting shall be held, and registered in the said Bishop's or Archdeacon's Court respectively, or recorded at the said General or Quarter Sessions; the register or Clerk of the peace whereof respectively is hereby required to register the same, and to give certificate thereof to such person as shall demand the same, for which there shall be no greater fee nor reward taken than the sum of sixpence.

DOCUMENT VI.

Provisions of the Constitution of the United States Securing Religious Liberty, A.D. 1787 and 1789.

(See page 80.)

CONSTITUTION (1787), Article VI., Section 3 :

"No religious test shall ever be required as a qualification to any office or public trust under the United States."

AMENDMENTS (adopted by Congress, 1789, ratified by the States, and incorporated in the Constitution, 1791). Article I. :

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or abridging the freedom of speech, or of the press ; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

[For a history of this Amendment see Schaff, *Church and State in the U. S.*, pp. 25–34.]

The Virginia Ordinance of 1787.

While the Constitutional Convention was in session at Philadelphia, the Continental Congress sitting under the Articles of Confederation passed an ordinance, July 13, 1787, "for the government of the territory of the United States northwest of the Ohio river." This territory was ceded by Virginia to the United States, and embraced the present States of Ohio, Indiana, Illinois, Michigan, and Wisconsin. The same ordinance was afterwards extended to Tennessee, Alabama, and Mississippi. It shows that the separation of Church and State in America is not hostile, or indifferent, but friendly, to religion, by which is meant, of course, Christianity as the religion of the nation.

This ordinance provides on the one hand for full religious liberty, and on the other hand for the cultivation of religion, morality, and education, as essential conditions of national prosperity. Among the articles which shall "forever remain unalterable," are the following :

Art. I. "No person demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments in the said territory."

Art. III. "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

INDULGENCES IN SPAIN.

INDULGENCES IN SPAIN.

By HENRY CHARLES LEA.

PHILADELPHIA, PENNSYLVANIA.

The recent discussion in Boston on the subject of Indulgences gives a momentary practical interest to the historical questions involved in it. These can best be traced in Spain, where mediæval traditions have been preserved, and where the effects of the Counter-Reformation were scarcely felt, long after they had become dominant throughout the other lands of the Roman obedience. It is in a survival of this kind that we obtain the clearest evidences as to the past. Unvexed by the controversy which raged between Luther and Dr. Eck and Silvester Prierias, Spain continued tranquilly to follow in the old and beaten path, and furnishes us with the incontestable official documents which enable us to examine the matter in the pure light of history.[1]

[1] The principal authorities before me are the following :

I.—Alonso Perez de Lara, *Compendio de las tres Gracias de la Santa Cruzada, Subsidio y Escusado.* Written in 1610, evidently as a working guide for officials employed in the *Cruzada,* this work consists principally of instructions, blanks, and forms, which must have been furnished for the purpose by the Commissioner-General. In the license to print, the Bishop of Gaëta, the examiner appointed by the Royal Council to pronounce upon the book, says of it : " tiene mucha erudicion y doctrina necessaria, assi para la buena pratica de los ministros de las tres Gracias, como para la sana intelligencia dellos y consuelo de los fieles." My edition is that of Lyons, 1757, the date of which shows how long it continued to be an authority.

II.—P. Ludovici Nogueira S. J. *Expositio Bullæ Cruciatæ Lusitaniæ concessæ.* Written in 1685, and printed with the authority of the Provincial of the Society of Jesus, it is pronounced in the authorization " pium, doctum, eruditione plenum, et necessarium." In its 580 folio pages every possible question connected with the Cruzada is exhaustively discussed in the ingenious dialectics so dear to casuists. My edition is that of Cologne, 1744.

III.—P. Francisci Ceyro S. J. *Opusculum Morale de Bulla Cruciata.*

I propose to treat it as a simple historical investigation, and not to enter into the field of bitter polemics of which it has been so fruitful, save far enough to show that the perennial controversy arises from one side relying upon the dogmas of the Church while the other appeals to its practice, which did not always correspond. Thus the University of Paris could condemn the audacity of the pardon-sellers who proclaimed that as soon as the coin rattled in the money-box the soul for which it was paid winged its way from purgatory to paradise;[1] but there is little to distinguish this crude assertion from the language of the *Bulas de difuntos*, in which it was emphatically stated that on payment of two reals apiece the souls for which payment was made would be freed from the pains of purgatory and would go without impediment where they would forever take special care to pray for him who had done them so great a good; and a formal receipt was given to the purchaser—"Because you ——— have given the said two reals for the soul of ——— and have received this bull, the said graces and plenary indulgence are granted to the soul for which you have given this sum."[2] It was, indeed, a

Written in 1722, and printed with the license of the General of the Jesuits and of the Archbishop of Lisbon. The author was Professor of Moral Theology at Coimbra. My edition is that of Lisbon, 1743.

For the scrupulous censorship exercised over all books printed by Jesuit fathers see *Constitutiones Societatis Jesu*, P. III. c. 1, P. VII. c. 4 (Ed. Antverpiæ, 1635, pp. 118, 281); *Regulæ Provincialis* No. 60 (Antverpiæ, 1635, p. 46); *Congregationis Generalis* XI. Decr. 18, 22; *Regulæ Revisorum* (Bullæ, Decreta, Canones, etc. Soc. Jesu, Antverpiæ, 1665, pp. 176, 181, 365–372).

IV.—D. Antonio Salces, Presbitero, *Explicacion de la Bula de la Santa Cruzada*, Madrid, 1881. This is printed with the approbation of the Cardinal Archbishop of Toledo, Commissioner-General of the Cruzada, who pronounces it "muy útil para difundir entre los fieles los conocimientos, hoy tan ignorados, de las gracias y privilegios que se conceden á los que adquieren el citado documento pontificio."

[1] D'Argentré, Collect. Judic. de novis Erroribus, I. II. 307, 355. In the German vernacular:

Sobald das Geld im Kasten klingt
Die Seele aus dem Fegfeuer springt.

[2] Perez de Lara, p. 30.—"Y que consigan indulgencia y plenaria remission de todos sus pecados, por manera de ayuda y sufragio, porque libres de las penas de Purgatorio vayan sin impedimento alguno donde tendrán muy especial

subject of scholastic debate whether the pope could empty purgatory by granting a plenary indulgence to all the souls in it, but Nogueira tells us that, although the question is of no practical importance, he admits the papal power to do so, as all the commentators upon the *Cruzada* are agreed upon it.[1]

cuydado de rogar por quien tanto bien y limosna les hizo. Y por quanto vos ——— distes los dichos dos reales por el anima de ——— y recebistes en vos esta Bula, es otorgada al anima por quien distes essa cantidad las gracias y indulgencia plenaria sobredichas." (*Bula del Hospital de la Concepcion.*)

The modern price of the indulgence of the Cruzada is three reals, equivalent to about fifteen cents of our money. Anciently it was two reals. The question of the value of the older Spanish coins is intricate. I can only say here that the maravedí in the sixteenth century was no longer a coin, but a unit of account. There were 34 maravedís to the real and nearly 11 reals to the ducat (Saez, Monedas de Enrique IV., Madrid, 1805, p. 471). The comparison between gold and silver coins is further complicated by the change in the relative values of the precious metals, which in the fifteenth century was as 1 to 7½, or less than half what it is at present.

[1] Nogueira, p. 525. The limitless power of the papacy in distributing the treasure of salvation accumulated by the merits of Christ and of the saints, is defined by Clement VI. in the well-known bull *Unigenitus*.—"Quem quidem thesaurum, non in sudario depositum, non in agro absconditum, sed per Beatum Petrum cœli clavigerum ejusque successores suos in terris vicarios commisit fidelibus salubriter dispensandum : et propriis et rationabilibus causis, nunc pro totali, nunc pro partiali remissione pœnæ temporalis pro peccatis debitæ, tam generaliter quam specialiter, prout cum Deo expedire cognoscerent, vere pœnitentibus et confessis misericorditer applicandum." (Extrav. Commun. Lib. V. Tit. ix. c. 2.)

The mere fact that the pope exercised the power was held to be sufficient evidence that he possessed it, to doubt which was heresy and sacrilege. Nogueira says (pp. 8–9) : "Sancti Pontifices ab hinc pluribus annis ut vidimus Bullam concesserunt : ergo illam possunt concedere . . . ergo etiam ex eo quod sæpius SS. Pontifices actu Bullam concesserunt, nefas, temerarium vel hæreticum erit dicere quod illam concedere non valeant. . . . Et esset instar sacrilegii dubitare de dispensatione postquam S. Pontifex semel dispensavit."

Nogueira (p. 525) explains for us clearly the difference between the remission of punishment granted by an indulgence when applied to the living or to the dead.—"S. Pontifex concedendo indulgentias fidelibus viventibus illos liberat a pœnis pro suis peccatis debitis juridica potestate et per modum absolutionis ; quia directam in illos habet potestatem : Defuncti autem detinentur in carceribus, nempe in Purgatorio, sub alterius potestate, nempe Dei ; et sic in illos S. Pontifex non habet potestatem ; offert tamen Deo ex Thesauro Ecclesiæ, pro anima alicujus in Purgatorio detenti, æquivalentem satisfactionem, et sic, illam animam adjuvando, dicitur illam juvare per modum solutionis aut suffragii ; non vero per modum absolutionis."

The irregularity of indulgences which removed both the sin and its punishment—*a culpa et pœna*—might be laid down as a principle; Benedict XIV. might declare that all such were spurious,[1] and, technically speaking, the confessor absolved *a culpa* and the indulgence *a pœna*,[2] thus rendering confession and absolution a prerequisite to the advantages of the indulgence. But in the earlier periods such indulgences were not uncommon,[3] and, even in the later, the distinction was rather nominal than real, for the purchaser could select his own confessor from among those

[1] Addis and Arnold's Catholic Dictionary, p. 441.

[2] Perez de Lara, p. 12.—"Para ganar las indulgencias que su Santidad concede por la Bula de la Santa Cruzada, y en otros jubileos, siempre requiere que esten contritos y confessados, mediante lo qual se alcança la remission de la culpa, y por la indulgencia de la pena, se dice, quedan absueltos de culpa y pena." This is the doctrine laid down by Leo X. in his bull *Cum postquam*, 9 Nov. 1518, in reply to the attacks of Luther. He orders, under pain of excommunication, removable only by the Holy See, all to believe "Romanum pontificem . . . . culpam scilicet et pœnam pro actualibus peccatis debitam, culpam quidem mediante sacramento pœnitentiæ, pœnam vero temporalem pro actualibus peccatis secundum divinam justitiam debitam, mediante ecclesiastica indulgentia, posse pro rationalibus causis concedere eisdem Christifidelibus qui caritate jungente membra sunt Christi, sive in hac vita sint sive in purgatorio, indulgentias ex superabundantia meritorum Christi et sanctorum, ac tam pro vivis quam pro defunctis apostolica auctoritate indulgentiam concedendo, thesaurum meritorum Jesu Christi et sanctorum dispensare, per modum absolutionis indulgentiam ipsam conferre, vel per modum suffragii illam transferre consuevisse. Ac propterea omnes tam vivos quam defunctos, qui veraciter omnes indulgentias hujusmodi consecuti fuerint, a tanta temporali pœna, secundum divinam justitiam pro peccatis suis actualibus debita liberari, quanta concessæ et acquisitæ indulgentiæ æquivalet."—Le Plat, Monumentt. Concil. Trident. II. 23.

[3] The first *Bula de la Santa Cruzada*, conceded to Henry IV. of Castile in 1457 by Calixtus III., granted absolutions *á culpa é á pena* (Barrantes, Ilustraciones de la Casa de Niebla, Lib. VII. cap. viii.—Memorial Histórico Español, X. 169). When Brianda de Bardaxí was tried for Judaism by the Inquisition of Saragossa in 1490, among the evidences of her orthodoxy which she offered were a "Bulla de la Cruzada in favorem Briandæ," and an "Absolutio et concessio indulgentiæ a culpa et pœna" (MSS. Bib. Nationale de France, fonds espagnol, No. 80, fol. 49).

It was doubtless an indulgence of this kind which Boniface IX. conceded to Milan in 1391, "nella medesima forma ch'era in Roma, che ciascuno nel dominio del Visconte, se ancho non fusse contrito ne confesso, fosse assoluto di ogni peccato," by visiting five churches for ten days and offering at the

authorized to administer the sacrament of penitence,[1] and there was no lack of those who made a trade of absolution.[2] Moreover, if a confessor could not be had at the death-bed the desire to confess sufficed,[3] and it was farther taught that, as the plenary indulgence wiped out all the pains of purgatory, only a trifling penance should be imposed on the penitent as a matter of form, even for the gravest sins.[4] The absolution which he was entitled to receive once during life and again on his death-bed was not a mere pardon of the sin, but was a remission of the punishment due to it in the other world, entitling the soul to immediate admission to heaven, without preliminary probation in purgatory. The formula ran: "And I ab-

Duomo two-thirds of what a pilgrimage to Rome would cost, of which two-thirds went to the fabric of the Duomo and one-third to the pope.—Corio, Historie Milanese, P. III. ann. 1391.

Boniface even invented a farther method of speculation, by withdrawing indulgences which he had sold and then selling them again. "Invaluit enim per hanc occasionem simoniaca pravitas tempore suo, et plenariæ indulgentiæ ad quæstum omnibus fere pœnitentibus dabantur, ita ut ex eorum numerositate vilesceret clavium auctoritas, opusque fuerit ut Bonifaciusmet illas revocaret; quibus revocatis iterum eas concedere aggressus est."—Vita Bonifacii PP. IX. (Muratori Scriptt. R. Ital. III. II. 832).

[1] Perez de Lara, p. 12; Nogueira, p. 2; Ceyro, § xii.

[2] Villalon, in his *Exortacion á la confession*, Córdova, 1546, says: "Á cada paso vereys multitud de confesores nescios, imprudentes y muy vanos, los quales por cobdicia de un miserable interés se entremeten en este negocio del confessar con tanta liberalidad como si tratassen hazer zapatos ó otra cosa que muy menos fuesse" (Alfonso de Castro, Protestantes Españoles, Cadiz, 1851, p. 38). Thus the higher authorities sold indulgences assuming that the subaltern priests would prevent the wicked from taking unfair advantage, and the confessor naturally made the most out of what was left to him.

[3] Perez de Lara, p. 12; Nogueira, p. 3. It is true that in this there was the saving clause "con tanto que moram contritos e antes confessados no tempo determinado pella Igreja, que por confiar nesta graça nam fossem mas negligentes" (Nogueira, p. 6.).—*Cf.* Ceyro, § vii., No. 22.

[4] Ceyro, p. 9.—"Quamvis per plenariam indulgentiam remittatur omnis pœna in Purgatorio luenda, et per consequens pœnitens istam indulgentiam lucrans nullius maneat reus pœnæ pro qua satisfacturus sit in Purgatorio; attamen confessarius debet aliquam pœnitentiam imponere tali pœnitenti, ut sacramentum maneat integrum, quia indulgentiæ non substituuntur pro pœnitentia sacramentali. Occasione tamen indulgentiæ plenariæ sunt imponendæ leves pœnitentiæ, etiam pro gravibus peccatis."

solve thee from all thy sins, crimes, and excesses, which thou hast now confessed to me, and those which thou wouldst have confessed hadst thou remembered them, even though they are such as are reserved to the Holy Apostolic See. I grant thee plenary indulgence and complete remission of them all, and of the punishment which for them thou wast obliged to suffer in the life to come."[1] In view of the proneness of the sinner to repent at the approach of death, the access to heaven could scarce be granted on easier terms.

In these formulas we may trace the source of the accusation that the Church sold licenses to sin—an accusation so energetically repelled by its theologians. It was impossible that so facile a method of escaping the retribution of the dread hereafter should not have, upon uncultured minds, the influence of a pardon in advance for the sins which they might commit. St. Pius V., in his war on indulgences, did not hesitate to assert that even those which were not plenary rendered sinners more prone to sin in the confidence that they could purchase remission for a trifling price.[2] That such an impression was not unnatural is a fair inference from the words of a recent commentator on the *Bula de la Santa Cruzada*, who tells us that he who pays three reals for it can be absolved by virtue of it, even though he sinned in confidence of obtaining the indulgence, and would not have

[1] Perez de Lara, p. 24.—"E assi mismo te absuelvo de todos tus pecados crimines y excessos, que aora à mi se han confessado, y de los que confessarias si à tu memoria occurriessen aunque sean tales que la absolucion dellos, como dicho es, à la Santa Sede Apostolica pertinezcan: otorgote plenaria indulgencia y cumplida remission de todos ellos y de las penas que por ellos eras obligado à padecer en la otra vida: In nomine Patris et Filii et Spiritus Sancti, Amen."

In the formula of an indulgence granted in 1547 for the benefit of the Hospital de la Concepcion of Salamanca there is a further provision that if the confession was made in fear of death and the penitent recovered, the indulgence was not exhausted and could be used again.—"Y si desta enfermedad en que estás Dios por su misericordia te escaparé, sea te reservada esta indulgencia para el verdadero articulo de morte" (*Ib.* p. 28).

[2] Pii PP. V. Bull. *Quam plenum*, 2 Jan., 1570 (Mag. Bullar. Roman. T. II. p. 324, Ed. Luxemb.). "Non pauci fluctuantes et infirmi, veniæ facilitate inducti, ad peccandum procliviores fiunt, quando tot et tantorum delictorum remissionem, certo et vilissimo pretio acquirire posse confidant."

sinned without the expectation of being absolved by virtue of it.[1] Some of the indulgences current in the sixteenth century are even more direct incentives to this conclusion. We have the formula of that of the Holy Trinity, conceded by Clement VII., as it was published in 1535 by the Commissioner-General of the *Cruzada*, Fernando de Mendoza, Bishop of Palencia. In this, on payment of two reals, the sinner received a scapular; if he then recited six times the Paternoster and Ave Maria with the Gloria Patri, he was promised that he would, when dying, if contrite, receive plenary indulgence, even without confessing, provided he had the scapular on him.[2] Still more marked in its tendency to appear as a license to sin was the *Bula de la Candela de nuestra Señora del Rosario*, granted by Adrian VI. and Clement VII., as published in 1536 by the Cardinal García Loaysa, Bishop of Sigüenza and Commissioner-General of the Cruzada. Every one who paid two reals became a member of the Confraternity and Brotherhood of nuestra Señora del Rosario. He received a blessed candle and gained certain privileges, among which was that if he had

[1] Salces, p. 187.—"Que puede ser absuelto por la Bula él que pecó en confianza de la Bula; de tal suerte que no pecara si no esperase ser absuelto en virtud de ella."

Paul II., in 1469, recognized and stated the danger that purchasers of indulgences might be rendered more reckless and inclined to sin, but his only remedy was to except certain offences from the benefit of indulgences and reserve them for absolution by the pope himself (Pauli PP. II. Bull. *Etsi Dominici gregis.*—Extrav. Commun. Lib. V. Tit. ix. c. 3); but this was soon abandoned, and the indulgences of the sixteenth century, as we have seen, covered the reserved cases.

[2] Perez de Lara, pp. 22–24. This indulgence further shows the incredible laxity with which remission of purgatory was promised. If the purchaser of the scapular would, on the Saturday before Palm Sunday and the feasts of St. John the Evangelist (Dec. 27th) and St. John de Porta Latina (May 6th), stand in front of the sacrament and recite the penitential psalms or five Paternosters and Ave Marias, he could on each day release from purgatory a soul at his selection, besides acquiring plenary indulgence for himself.

The indulgence granted to the Hospital de la Concepcion in 1547 entitled the purchaser, for two reals, not only to plenary absolution once a year and again on his death-bed, but to liberate a soul from purgatory once a year by reciting five Paternosters and Ave Marias on the feast of St. James, July 25th (Perez de Lara, p. 28).

once recited the Rosary or Psalter of Our Lady, and if, when dying, he held the blessed candle, he obtained plenary remission and indulgence of all his sins.[1] In this there is no prerequisite expressed of contrition and confession. The untutored purchaser could only regard it as a purely mercantile transaction of soul-insurance, releasing him from further responsibility to God.[2]

It was, indeed, generally assumed that no one in mortal sin could avail himself of indulgences, but this doctrine, if practically applied, would have seriously limited their market. Perez de Lara meets it by arguing that the mere act of paying the two reals for so holy a purpose has in itself sufficient merit to enable the soul to enjoy the indulgence.[3]

[1] Perez de Lara, p. 25.—" Iten, que qualquier cofrade desta santa cofradia y hermandad que muriere teniendo en las manos la candela vendita de la dicha cofradia, en honor de la Virgen sacratissima, gane plenaria remission è indulgencia de todos sus pecados, con tal condicion que à lo menos una vez aya rezado el Rosario ò Psalterio de nuestra Señora antes de la muerte."

The indulgences of the Holy Trinity and Confraternity of the Rosary of the Virgin were long-lived. They were condemned by a decree of the Sacred Congregation of Indulgences, Sept. 18, 1668, which had to be repeated March 7, 1678. This seems to have sufficed for the indulgence of the Rosary, but that of the Trinity was more persistent, and required for its suppression several more decrees—of April 29, 1716, Dec. 22, 1718, and Oct. 5, 1734.—Decreta Authentica Sacræ Congregat. Indulgentiarum, Nos. 4, 14, 35, 40, 71 (Collection des Décrets Authentiques des Sacrées Congregations Romaines, Paris, 1868).

[2] Theoretically, the Church erects a lofty standard for those seeking the priceless boon of salvation through the sacrament of penitence. The distinction between *attritio* and *contritio*, and the requisition of a *dispositio congrua ad pœnitentiam* (*cf.* Pet. Lombard. Sententt. Lib. IV. Distt. XVI. XVII.—Th. Aquinæ Summ. Supplem. Q. I. Artt. 2, 3; Q. II. Artt. 1, 2.—Th. Aquin. super Libb. Sententt. Lib. IV. Dist. XVII. Q. II. Art. 2.—Concil. Trident. Sess. XIV. *De Pœnitent.*), if strictly enforced, would go far to justify its claim that indulgences are a powerful stimulus for the regeneration of the sinner. Unfortunately, the men who managed the business recognized that purchasers would be few if the people were taught that an indulgence was useless save to him who had reached so high a plane, and the records in Spain show how discreetly these speculations of the lecture-room were suppressed in the publication and sale of the bulls.

For the scholastic debate on the questions involved see Reusch, Der Index der verbotenen Bücher, II. 531 *sqq.*

[3] Perez de Lara, p. 19.

Nogueira takes even stronger ground, and easily disposes of the difficulty by showing that the bulls of indulgence contain a faculty for granting absolution for the grievous sins ordinarily reserved for the Pope, and therefore that the purchaser of an indulgence is presumed to be in mortal sin.[1]

When scoffers assumed that the Church was guilty of simony in thus granting its spiritual graces for a money consideration, Nogueira argued that the money was not given as the price of a spiritual thing, but as alms devoted to the spiritual thing,[2]—and in fact the price of the indulgence is always spoken of as alms—*limosna* or *esmola*. Pius V. had not allowed himself to be deceived by such dialectics, and had boldly included the savor of simony among the other scandals caused by the sale of indulgences.[3] Nogueira himself tells us that any one taking an indulgence on credit, without the intention of paying for it, does not enjoy its spiritual privileges, for it is granted on condition of payment; if, however, he changes his mind during the year, he enters into its enjoyment from the very moment of forming the intention of payment.[4] But if the purchaser on credit is unable to pay through causes beyond his own control, he still has the benefit of it, because the treasurer who sold it to him is obliged to pay for it, and thus the money reaches its destination.[5] In the same spirit, where the price was regulated by the wealth of the purchaser, as in Portugal, the bull became inoperative in the hands of a man who paid less for it than he ought.[6] As money has thus always been of the essence of the contract, we can hardly be surprised to find the Secretary-General of the Cruzada, in a formal official exposition of the bull, issued October 15, 1879, complaining that the people commonly talk of "buying" the bull, and

[1] Nogueira, p. 24.

[2] Nogueira, p. 46.—"Certum est non esse simoniam dare pecuniam pro Bulla et illius privilegiis. Ratio est quia ea pecunia non datur tanquam pretium rei spiritualis, sed ut eleemosyna ordinata ad rem spiritualem."

[3] Pii PP. V. Bull. *Quam plenum* (Mag. Bullar. Roman. T. II. p. 324, Ed. Luxemb.).—"Cum igitur inter cetera scandala etiam Simoniæ pravitas redoleat."

[4] Nogueira, p. 46.

[5] Ceyro, p. 8. Ceyro adds that a strumpet who pays for one with the wages of her sin has the benefit of it.

[6] Ceyro, p. 7.

he explains that what is paid for it is not a price but alms, but he is careful to add that the intention of taking the bull does not confer its privileges without the payment.[1]

Pius V., in 1567, might denounce in the strongest terms the evils inseparable from the sale of indulgences, and might forbid for evermore all kings, cardinals, archbishops, and other potentates from appointing commissioners, treasurers, or other officials who should solicit and receive money for them[2]; Clement VIII. in 1604 might explain that the Holy See opened the treasury of the Church to excite piety and charity, and not for gain[3]; but this did not prevent even so enlightened a pontiff as Benedict XIV., in 1743, from granting to the Knights of Malta the right to sell plenary indulgences at a price to be fixed by the authorities of the Order,[4] or Pius VI. in 1778 from conceding a similar privilege to Ferdinand IV. of Naples.[5] In fact, as we shall see, the sale of the indulgences of the Cruzada has been carried on from the fifteenth century with scarce an interruption to the present day, under the authority of successive popes.[6]

[1] Salces, p. 420.—"Es muy común el decir que la Bula *se compra*. Este palabra envuelve un error notable, tratándose de estas materias. La Bula *se toma*, no *se compra*, porque las gracias spirituales no *se venden*. Lo que se da por ella no es *precio* sino *limosna*."

[2] Pii PP. V. Bull. *Etsi Dominici gregis* (Mag. Bullar. Roman. II. 229).

It is probably on the strength of this bull that Catholic writers assume that "eleemosynary indulgences" have long been forbidden by the Church.—Green, Indulgences, Sacramental Absolutions, etc., in reply to the charge of Venality, London, 1872, pp. 104, 132.

[3] Clement. PP. VIII. Bull. *Quæcumque* (Mag. Bull. Rom. III. 183).

[4] Benedicti PP. XIV. Bull. *Quoniam inter* (Benedicti XIV. Bullar. I. 320, Ed. Prati, 1846).

[5] Pietro d' Onofri, Spiegazione della Bolla della S. Crociata, Napoli, 1768. In this case the *limosina* was fixed at 26 *grana* and 3 *cavalli* (*Ib.* p. 99).

[6] It required prolonged reformatory effort and increasing enlightenment to suppress the profitable abuses which had covered mediæval Europe with a countless number of chartered privileges, exploited to the utmost in trading upon the popular eagerness for salvation. Notwithstanding the vigorous warfare waged upon them by Pius V. (1566–1572) many yet remained, of which a weeding out was attempted in 1635. In 1669, Clement IX. created the Sacred Congregation of Indulgences with full power to correct abuses (Bull. *In ipsis pontificatus*.—Mag. Bullar. Roman. V. 283). The Congregation went vigorously to work, sweeping away many of the old indulgences, and

The Church unquestionably was in the habit of giving excellent instructions to those intrusted with the sale of indulgences. In the fateful enterprise which aroused Luther's indignation, it was ordered that the preachers should be men of high character, for the object was quite as much the salvation of the faithful as the furtherance of the building of St. Peter's.[1] Yet Luther's great opponent, Hieronymus Emser, sorrowfully admitted that all the preachers, monks and priests alike, were greedy and shameless, and thought much more about money than about confession and contrition.[2] In such a business it could scarce be otherwise. We shall have ample opportunity hereafter to observe how these abuses long continued to be an ineradicable feature of the system, and how little was accomplished for their suppression, at least in Spain, by the self-condemnatory decrees of the Council of Trent,[3] and by a rare papal protest.

promptly suppressing new unauthorized ones as they arose. See Decret., Authent. Sacræ Congr. Indulgentt. Nos. 4, 14, 16, 31, 35, 40, 41, 44, 47, 57, 71, 76, 88, 92.

Various classes of indulgences were put on the Index Librorum Prohibitorum by Benedict XIV. in 1758 (Index Benedicti PP. XIV. Romæ, 1758, pp. xxxiv.–v.), and specifically in the body of the Index (p. 136) are condemned six Spanish indulgences stated to be granted by the popes in 1681, 1684, 1685, 1686, and 1692. The decree condemning them was issued May 23, 1696, but curiously enough they are not in the Index printed in Rome in 1704. They are all retained in the Index of Leo XIII. (pp. 160, 161, Romæ, 1887), where on p. 160 the date of the decree is erroneously given as 1669.

[1] Janssen, Geschichte der deutschen Volkes, B. II., p. 75 (Ed. 1886),—"Niemanden ohne die in der päbstlichen Ablassbulle verkündete Gnade zu entlassen denn es wurde, nicht weniger das Heil der Christglaubigen, als der Nutzen des Baues der Peterskirche gesucht."

[2] Janssen, *loc. cit.*—"geizigen Commissarien, Monich und Pfaffen, die so unverschämt davon gepredicht . . . und mehr auffs Geld dann auf Beicht, Reu und Leid gesetzt."

[3] Concil. Trident. Sess. XXV.

"Ea vero quæ ad curiositatem spectant, vel turpe lucrum sapiunt, tanquam scandala et fidelium offendicula prohibeant" (*Decr. de Purgatorio*).

"Abusus vero quæ in his irrepserunt et quorum occasione insigne hoc indulgentiarum nomen ab hæreticis blasphematur, emendatos et correctos cupiens, præsenti decreto generaliter statuit [sacrosancta synodus], pravos quæstus omnes pro his consequendis, unde plurima in Christiano populo abusuum causa fluxit, omnino abolendos esse" (*Decr. de Indulgentt.*).

In the Spanish peninsula the usual ostensible object of publishing these plenary indulgences was the holy war with the infidel. Granted at first to those who served in person or who sent a substitute, they speedily became commutable for a money payment, which gradually decreased in amount, and was supposed to be devoted to the same purpose. Thus they came to be known as *Bulas de la Santa Cruzada.* At first they were special grants, when some particular effort was to be made by the Cross against the Crescent, such as the one granted in 1212 by Innocent III. to Alfonso IX. of Castile, when the Moorish power was crushed at Las Navas de Tolosa; or those issued in 1246 by Innocent IV. to Sancho II. of Portugal, and by Clement IV. in 1267 to Alfonso III. of Portugal. These were mere temporary expedients, and the first appearance of the *Cruzada*, in the permanent form which it subsequently assumed, was a bull granted in 1457 by Calixtus III. to Henry IV. of Castile and to Alphonso IV. of Portugal. As far as Castile was concerned, it was a mere device for raising money, for Henry made no special effort against the Moors. His bull ran for four years, and granted absolution *à culpa è à pena* for 200 maravedís, and we are told that he gained by it, after paying all expenses, 100,000,000 maravedís, which would indicate a sale of over half a million of indulgences within the comparatively narrow limits of his dominions. Although the heaviest form of excommunication, removable only by the pope, was threatened for the diversion of the proceeds from the Holy War, Henry soon commenced to make lavish grants from the fund to Beltran de la Cueva and other favorites, so that the sacred cause gained nothing; and though the prelates and nobles of the other faction held an assembly at Uceda to devise a remedy for this deplorable result, the terrible condition of the royal finances rendered their interference fruitless.[1]

From this time forward the *Cruzada* appears to become a

[1] Nogueira, p. 7.—Francisco de Medina, Vida del Cardenal Pedro Gonzalez de Mendoza (Memorial Histórico Español, T. VI. p. 159).—Barrantes, Ilustraciones de la Casa de Niebla, Lib. VII. c. xviii. (*Ibid.* T. X. p. 169).

settled and nearly permanent institution, although the earliest bull recorded on the books of the Commissioner-General in Spain was one by Julius II. in 1509. This is followed by one from Leo X. in 1519. There was a sharp contest between the Cruzada and the bulls for St. Peter's, which were not allowed to be preached in Spain until Leo agreed to content himself with 24,000 ducats a year from the proceeds and abandoned the rest to the crown.[1] Adrian VI. is authority for the assertion that bribery of the officials of the curia procured from Leo a bull of June 26, 1521, by which all the profits of the St. Peter's bulls were made over to Charles V. Then the treasurers of the indulgences, Alfonso Gutierrez, Fernando de Spinosa, and Rodrigo Ponce, bribed the Spanish ambassador at Rome, as also a cardinal and some other officials, and obtained a fresh bull, September 14, 1521, by which they secured control over the whole amount, without accountability to any one, and the viceroys, who represented the absent Charles, were glad to compound with them for one-third of the profits, estimated in all at 300,000 ducats per annum. Leo died, December 1, 1521, and was succeeded by Adrian, in January, 1522. At once the viceroys applied to him for the revocation of the last bull. He offered to do so, and allow them to enjoy 200,000 ducats per annum, clear of expenses, or two-thirds of the product subject to expenses, but this did not satisfy them, and they threatened to prohibit the preaching of the bull. A long negotiation followed, in which it is not easy to discriminate between the Cruzada and the bull for St. Peter's. Charles was firm not to allow the pope more than 20,000 ducats a year; Adrian held out for 100,000, but let it be seen that he would accept 80,000. On hearing of the fall of Rhodes, Charles wrote, April 15, 1523, to his ambassador, the Duke of Sessa, that

[1] Gachard, Correspondence de Charles-Quint et d'Adrien VI., Bruxelles, 1859, p. 260. Bishop Hefele (Der Cardinal Ximenes, Ed. 1851, p. 433) is pleased to attribute the opposition of Ximenes to the publication of Leo X.'s indulgences for St. Peter's to his objection to seeing the discipline of the church enervated by the remission of repentance and punishment. As Ximenes made no resistance to the Cruzada, his repugnance was evidently a financial dislike to seeing the funds diverted from the royal treasury to Rome.

if Adrian had promptly granted the customary concessions, he would have been able to succor the Knights of St. John, and to prevent the catastrophe; now the pope, he says, asks him to equip a large fleet and army, but neither grants the indulgences, nor holds out any hope of them. This was effectual as regards the Cruzada, and in June, Charles received the coveted bull, but was disappointed to find it run for only one year. That for St. Peter's was still withheld. What were the terms of settlement we have no means of knowing, but there is no subsequent trace of the bull for St. Peter's, and as we eventually find the popes receiving 20,000 ducats from the Cruzada, we may assume that they were obliged to yield to the terms offered by Charles.[1]

The concession was not destined to be lasting. On September 14th of the same year, Adrian died; his successor, Clement VII., was elected November 19th, and the next day he suspended all his predecessors' bulls of indulgence, and privileges of selecting confessors, and revoked all commissions issued thereunder. Adrian had given as one of his reasons for refusal the approach of the jubilee year, 1525, and the interference with it of the Cruzada. It was now still closer at hand, and Clement might well argue that his share in the Spanish concessions was too small for him to allow their competition with what was essentially a Roman perquisite, especially as the spread of Lutheranism was rapidly curtailing the German harvest. Charles's ambassador, the Duke of Sessa, protested earnestly against the hardships thus inflicted on those at a distance, who continued to perform their duty in ignorance of the revocation. Clement so far yielded, as to issue, November 15, 1524, a brief confirming their acts, prolonging their authority up to the ensuing December 20, and empowering them to collect all sums due for indulgences sold on credit.[2] In the correspondence of

[1] Gachard, Correspondence etc., pp. cix., cx., 48, 49, 51, 61, 170, 171, 177, 181, 189, 190, 259, 260, 261. Yet from a law of 1522, the Cruzada would seem to be in full operation under the same elaborate organization as we find subsequently (Novísima Recopilacion, Lib. II. Tit. xi. ley 1). From the complaints of the Córtes, as we shall see hereafter, the business was doubtless carried on in spite of the papal refusal.

[2] Balan, Monumenta Sæculi XVI., Oenoponte, 1885, p. 30.

Charles during 1525 and 1526 there are repeated requests for the renewal of the bull, without result.[1] The war which brought about the sack of Rome in 1527, doubtless put an end for a time to these attempts, but probably in the peace which followed, Charles made a renewal of the Cruzada a condition, for in 1529 Clement VII. granted a bull, in which the kingdom of Naples was excepted, but the Indies were included, and the price of the indulgence there was fixed at an ounce of gold. Soon after this there seems to have been a suspension, for another bull in 1532 speaks of removing it. It was about this time that the term of the concession was fixed at three years, and we find the fabric of St. Peter's figuring as a regular participant in the proceeds. There are bulls of Paul III. in 1535, 1537, 1538, 1543, and 1544 renewing or modifying the concession, and by Julius III. in 1552 and 1555. The mortal enmity of the Caraffas to the House of Austria led Paul IV., immediately on his accession in 1555, to suspend the Cruzada, in order to weaken Spain for the war which he was preparing; and Philip II., although triumphant did not insist on its renewal in the peace which he granted in 1557.[2]

Pius IV. was more tractable, and in 1559 granted it again. Possibly the discussion on the subject of indulgences in the Council of Trent may have rendered him cautious, for in 1563 he revoked the concession of all indulgences except the Cruzada, which he allowed to remain for three years, but withdrew it from the Indies.[3] When the three years expired, the chair of St. Peter was filled by a man of different stamp. St. Pius V. was rigidly determined to carry out the counter-reformation indicated by the Council. He forbade the sale of indulgences everywhere, and described the scandals inseparable from it in terms severe enough to satisfy Huss or Luther.[4] He could not consistently renew the Cruzada, and he firmly refused to do so. To the urgency of

[1] Gachard, Correspondence, etc., pp. 221, 224, 227.

[2] Perez de Lara, p. 5.—Michele Soriano, Relazioni Venete, Serie I. T. III. p. 340.—Paolo Tiepolo, *Ibid.* T. V. p. 22.—Cabrera, Histori de Felipe II., Lib. I. c. ix.

[3] Perez de Lara, p. 5.

[4] Pii PP. V. Bull. *Etsi Dominici gregis*, 8 Febr., 1567 (Mag. Bullar. Roman. II. 228; Septimi Decretal. Lib. III. Tit. XV. c. 1).

Philip II. he replied that the abuse of papal indulgences in Germany had given Martin Luther occasion to assail the Church and to draw the whole of that region into apostasy, and that the Cruzada might become the instrument of a similar heresy in Spain. He had learned, he said, from Spanish bishops, and from cases coming to his knowledge, that the sale was attended by scandals the mere mention of which was a disgrace. The officials entrusted with the duty were paid by a commission on their sales, and to increase their gains used violence and extortion on the poor, which converted the spiritual grace into merchandise. They also employed preachers by paying them for each indulgence sold through their exertions, and these preachers consequently labored in the pulpit to frighten the people with such threats of hell that it seemed as though no one could be saved without the bull, and they were popularly nicknamed *echan cornos*, because, through thirst of gain, they threatened excommunication and eternal perdition on all who did not purchase of them.[1]

Entertaining these convictions as to the methods which had so long been pursued in Spain, Pius was immovable, and Philip had to submit. It was the more vexatious, for he speedily had on his hands a war with the Infidel of the most costly and harassing kind. The Moorish rebellion of Granada in 1568 was regarded as a holy war, although the Moriscos were nominally Christians. It not only drained his treasury to the extent of some three millions of ducats, but the relations of the insurgents with their kindred of Barbary, and the not unreasonable prospect that the Grand Turk might intervene, threatened the most serious consequences.[2] In spite of all this Pius held to his purpose, and Philip was obliged to fall back upon such limited powers of indulgence as were possessed by his bishops. Cardinal Espi-

[1] Leonardo Donato, Relazioni Venete, Serie I. T. VI. p. 380.

[2] Leonardo Donato, the Venetian envoy at the time, says that if the Turks had sent some galleys and troops to Spain, instead of declaring war against Venice, they would have kindled a conflagration which it would have been difficult to quench (*loc. cit.*, p. 408). The Spanish court was fully alive to the danger (Janer, Condición Social de los Moriscos, pp. 56 *sqq.*; *cf.* Memorial Histórico Español, T. III. pp. 55–58).

nosa, the Inquisitor-General and Bishop of Sigüenza, assembled them and they devised a plan of a Brotherhood—the *Hermandad y Cofradia de nuestra santa Fé Catolica*—with indulgences, which was published in 1570.[1] A comparison of this with the Cruzada is interesting, as showing how much of the latter was the exercise of exclusively papal power and the extent of papal responsibility involved in it.

The entrance fee to the Cofradia was the customary two reals; the members were enjoined to repeat the simple prayer *Bendita y loada y ensalçada sea nuestra santa Fé Catolica*, for which, after confession, they received a pardon of a hundred years, the greatest to which the episcopal power extended. Their confessors were authorized to absolve them only to the extent of sins reserved for the jurisdiction of bishops, and the form of absolution was a simple one, promising no release from the penalties due in the life to come—they were absolved for simple sins *a culpa* but not *a pœna*, except to the extent of the equivalent of the hundred years of penance remitted. Still, to the people accustomed to indulgences, there was a magic in the very name, and we may perhaps assume that the vendors were not scrupulous in pointing out the inferiority of these to those of the Cruzada. It was in vain that Pius V., as soon as he heard of the scheme, denounced it in the most vigorous terms, pronounced the indulgences null and void, and threatened with the severest censures all who should dare to take part in it. The Spanish prelates coolly went on; the expedient was a success, and we are told that the sum produced was as large as that customarily realized from the Cruzada.[2]

[1] It was probably in preparation for this that Philip issued, Nov. 20, 1569, a *Pragmatica* requiring all bulls, graces, indulgences, pardons, etc., to be examined and approved by the Ordinary of the diocese and the Commissioner-General of the Cruzada before publication (Novísima Recopilacion, Lib. II. Tit. iii. ley 5). As soon as the concession of the Cruzada expired, doubtless the innumerable old privileges of the kind which had been suspended by it were held to be revived, threatening that little would be left to be gleaned by Philip's device of episcopal indulgences.

[2] Perez de Lara, pp. 30–33.—Pii PP. V. Bull. *Quam plenum*, 2 Jan., 1570. (Mag. Bull. Roman. T. II. p. 323.; Septimi Decretal. Lib. III. Tit. xv. c. 2).

Perez de Lara describes the graces of the episcopal indulgence as "tan limitadas y tan desiguales à las que se conceden por la bula de la Santa Cruzada."

Yet this successful disobedience could not be relied upon as a permanence and Philip's anxiety to procure a renewal of the old privileges was not diminished. His turn soon came. In 1570 Pius V. was bent on drawing him into the League of Venice and the Papacy against the Turk. Philip made a renewal of the Cruzada a condition, and the convictions of the pope gave way. Although the barren triumph of Lepanto in the following year may have justified Pius to his conscience, yet his honest reluctance had little effect other than to demonstrate that he was familiar with the malfeasance in Spain and was willing, for a consideration, to content himself with a slender attempt at amelioration, while abandoning the principle that indulgences should not be exposed for sale. The Cruzada was renewed in 1571 for six years, which thereafter became the regular term, and there was no subsequent difficulty in procuring its concession every six years for an indefinite series of periods. In 1573 Gregory XIII. restored its extension to the Indies and to Sicily, and it became customary providently to apply for repeated renewals before the expiration of the current grant. In 1610 Perez de Lara tells us that the existing concessions carried it in Spain up to 1625, and in the Indies to 1663.[1]

Pius V., however, had successfully insisted that an attempt should be made to remove some of the grosser abuses, and it was agreed that the payment of the preachers and distributors should no longer be contingent on the number of bulls sold ; at the same time a distinction was drawn between the poor and the wealthy and the price for the latter was raised. It was probably in the same settlement that a marked increase was made in the share allotted to the pope as a contribution to the fabric of St. Peter's. Formerly this had been 20,000 ducats a year. Subsequently, in the renewals for six years, it was provided that during the first five years of each term the contribution should be 100,000 ducats per annum.[2]

In Portugal, Leo X. granted a bull of Cruzada to King Manuel in 1514, but for what term we do not know. The

[1] Leonardo Donato, *loc. cit.*—Perez de Lara, p. 6.

[2] Leonardo Donato, *loc. cit.*—Paolo Tiepolo (1563), *Ibid.* T. V. p. 25. —Perez de Lara, p. 22.

earliest bull preserved in the Portuguese archives was one by Gregory XIII. to Sebastian in 1578, which ran only for two years. In 1580 came the conquest by Philip II. and in 1591 he procured a renewal from Gregory XIV. This was continued regularly by successive pontiffs. Nogueira, writing in 1685, says that the only interruptions in the preaching had been in 1659, 1660, 1668, and 1677, arising from alterations in the coinage, and in 1672, when the Commissioner-General refused to give security for the *esmolas*, or so-called alms. As in Spain, there was a condition that a portion of the proceeds should be devoted to St. Peter's.[1]

The indulgences of the Cruzada were of two kinds — the *bula de vivos* and the *bula de difuntos*—one for the living and the other for the dead. Of the former, the formula in use up to and including the grant of Gregory XIII. in 1574, conceded an *indulgentia plenissima* every time the bull was purchased. Subsequently the form was changed, and the purchaser of the bull was entitled twice to plenary remission of sin and punishment, once during life and again on his death-bed, after confession and due contrition. Without the bull, the confessor could absolve from ordinary sins, but not from their punishment; with the bull, the absolution included the release of the soul from the pains of purgatory due as the punishment of sin, and in addition it absolved from the heinous offences customarily reserved to the jurisdiction of the pope, excepting heresy.[2] Thus repentance, which costs so little on the death-bed, was the sole condition. Penance in this life became superfluous and the purgatorial fires were eliminated from the life to come.[3]

[1] Nogueira, *Prolog.*, p. 7. Nogueira states that Manuel obtained a bull in 1505 from Julius II., and in 1507 from Leo X. The latter is a self-evident error: the bull was procured in 1514 (Osorii de Rebus Emmanuelis Lib. IX. Ed. 1574, fol. 299 *b*). Osorius says that the king applied for one in 1505, but does not record the result (*Ib.* Lib. IV. fol. 122 *a*).

[2] Perez de Lara, pp. 12, 13.

[3] Perez de Lara, p. 12.—"Su Santidad en las dichas palabras à culpa è à pena quiere decir que no solamente los confessores los pueden absolver de la culpa, como pueden mediante la contricion y confession de los penitentes, sino tambien de la pena devida en satisfacion de los pecados à la justicia divina."

From men of rank and station the "alms" for this indulgence were eight reals; from the common people two reals.[1]

The *bula de difuntos* enabled the purchaser to have inscribed in a blank left for the purpose the name of any deceased friend, whose soul forthwith was liberated from purgatory and ascended to eternal glory[2]; and the preachers of the indulgence were instructed to impress upon the people the fact that as soon as the name was entered upon the bull the soul of the departed was relieved from its sufferings and soared to the enjoyment of God and of His everlasting glory.[3] For all classes of souls the price of this redemption was two reals.[4] It is true that the ardor of the

[1] Perez de Lara, pp. 69, 70.

In the Indies, where the indulgences ran for two years in place of one, the price to Spaniards, from the viceroys down to individuals worth 10,000 pesos, was two pesos (16 reals), and for others one peso, or 8 reals, except monks, friars, beggars, and serving-men, for whom it was two reals—to be paid in coin or bullion, where they were to be had. Indians could settle with the equivalent in merchandise; their caciques paid one peso, the rest two reals (Perez de Lara, p. 81).

In Portugal, Nogueira (p. 45) in 1685 states that the price was regulated not by the station of the purchaser but by his wealth. All, whether ecclesiastics or laymen, and their wives, enjoying more than 400 milreis of income, paid an *esmola* or "alms" of three tostoens (*teston* = 100 reis); those having between 200 and 400 milreis paid two tostoens. All others paid four vintens (the vinten being 20 reis), except children, servants, slaves, laborers, beggars, Franciscans, and Carmelites, for whom the price was two vintens. The same scale of prices is given by Ceyro in 1722 (p. 7).

The modern equivalent of the milreis is $1.10.

[2] Perez de Lara, p. 18.—"Y finalmente en todos los casos que los vivos ganan por si y para si la indulgencia de la Bula de la Santa Cruzada referidos arriba en el titulo de las indulgencias de la Santa Cruzada, haciendolos en favor de algun anima de purgatorio, el alma alcança la indulgencia y queda libre de las penas de purgatorio, y va à gozar de la ultima retribucion que es la gloria."

[3] Perez de Lara, p. 78. — "Las animas de los fieles difuntos que están padeciendo, en las penas de Purgatorio . . . puedan salir dellas y vayan à gozar de Dios nuestro Señor y de su gloria eterna."

[4] Perez de Lara, p. 70. In Portugal the price of the *bula de difuntos* was half a tostaõ, or 50 reis (Nogueira, p. 45).

In view of this moderate cost of so priceless a benefit, it should not have been necessary for the Archbishop of Santiago, as Commissioner-General of the Cruzada, in 1755, to call the attention of the pious to the immense number of righteous souls which could, by means of the Cruzada, be liberated at a trifling expense—*à bien poca costa* (Salces, p. 80).

faithful was liable to be checked by the uncertainty as to whether the designated soul might not already be in heaven, in which case the indulgence was superfluous, or in hell, where it would be useless; but those who hesitated on this ground were stimulated with the assurance that in either case the indulgence would enure to the benefit of the soul of him who purchased it, and in support of this was quoted an impudent forgery, probably of the thirteenth century, which long passed current under the honored name of St. Augustin.[1]

But the graces of the *Bula de la Santa Cruzada* were by no means confined to these. One important feature was the authorization to retain property wrongfully acquired. This was based on the theory that all such unlawful gains accrued to the pope, who could make such disposition of them as he saw fit, and no use was more eminently serviceable to God than the holy war against the Infidel. The faithful were therefore assured that when they had paid the trifling sum determined by the Commissioner-General, to whom the details were left, they could retain their unlawful gains with a clear conscience, provided they had used due diligence to discover the party defrauded and make restitution, and provided, also, that they had not taken the property in contemplation of enjoying the benefit of this composition. Long lists were made out of the sources of such unlawful gains, such as the profits of usury and gambling, of watered wine and short weights and measures, bribery received by judges, extortionate charges by officials, things lost or left on deposit, presents made by men to their mistresses, the gains of prostitution, etc.[2] The price charged for this composition

[1] Perez de Lara, p. 18.

"Ergo dum certus non sis quod nec damnati nec beati sint, orare pro eis non differas: quia, ut supra diximus, bonis tuis non indigent qui beati sunt, et mali non obtinent, quia damnati sunt . . . etsi non proficiet eis qui beati vel damnati sunt, oratio in sinu nostro convertetur."—Pseudo-Augustin. ad Fratres in Eremo Serm. XLIV.

[2] Perez de Lara, pp. 15–17.—This endeavor to make prostitutes pay a share of their gains, in order to quiet their consciences as to the rest, is not wholly creditable to the administration of the Cruzada. Thomas Aquinas had long before shown that such gains could be lawfully retained (Summa, Sec. Sec. Q. LXII. art. 5 ad 2; Q. LXVII. art. 2 ad 2).

in Spain was two reals on sums up to 5,000 maravedís (about 150 reals, or 14 ducats), above which amount the matter was referred to the Commissioner-General for settlement. In the Indies the terms were five per cent. of the amount at stake, though no *bula de composicion* was issued for a less charge than twelve reals, and where the sum in question exceeded 800 ducats a special composition was fixed by the Commissioner-General.[1] In the earlier time there was a further source of profit in selling absolutions to bandits and their accomplices, but on complaint of the Córtes of Monçon, in 1512, this was made over to the episcopal ordinaries, who were instructed to perform the duty gratuitously.[2] Claims were also made of one fifth of all intestate estates, and a share in all pious legacies, but these were likewise abandoned in 1512.[3]

Besides this, the Commissioner-General was empowered by the pope to grant dispensations for ecclesiastical revenues enjoyed illegally by incumbents who did not perform the required hours of prayer; also for "irregularity" incurred by those in holy orders through being excommunicated or illegitimate, or through committing voluntary homicide, simony, apostasy or heresy, or through orders unduly received, and these dispensations carried with them the right to retain and enjoy benefices; also dispensations for oaths and vows, with some exceptions; also dispensations for marriages unwittingly contracted, even within the first and second degrees of kinship, and the legitimation of children sprung from such unions; also licenses for masses in private oratories, and at unusual hours. He further had the very important faculty of suspending all other indulgences interfering with the Cruzada, and he was clothed with power to decide all doubtful questions arising under the bull.[4]

[1] Paolo Tiepolo, Relazioni Venete, Serie I. T. V. p. 23.—Perez de Lara, p. 86.

[2] Pragmaticas y altres Drets de Cathalunya, Lib. I. Tit. ix. cap. 3, § 3, 8 (Barcelona, 1589, pp. 25, 26).

[3] *Ibid.* Lib. I. Tit. ix. cap. 2, § 1, 4 (p. 25).

[4] Perez de Lara, pp. 20, 28.—In the Indies the charge for dispensations for marriage within the prohibited degrees was four or eight ounces of silver, according to circumstances; to Indians it was half-price. For "irregularities" of those in holy orders it was four ounces, unless the case was very grave, when it was eight (*Ib.* p. 62).

Thus, within the Spanish dominions a very large portion of the power of the keys was transferred by the popes to the *Comisario General de la Santa Cruzada*, and that official became one of the most important ecclesiastical dignitaries of the kingdom. His delegates in the dioceses were learned prebendaries of the Cathedral chapter, or inquisitors so long as inquisitors were permitted to serve.[1]

Perhaps not the least attractive feature of the *Bula de la Santa Cruzada* was that its purchasers were released from the obligation of fasting during Lent and other fasts. Under the advice of a medical and a spiritual physician they could eat meat, and at their own pleasure eggs, cheese, and other milk food, and at the same time attain all the merit of abstinence.[2] In 1573, Leonardo Donato tells us that this was the principal inducement for the purchase of the bull, especially in places remote from the coast, where fish was procured with difficulty.[3]

The business of selling the *Bulas de la Santa Cruzada*, being large and permanent, was necessarily organized in a very thorough system. After the interruptions caused by Paul IV. and Pius V., the sale was continuous. A new publication of the papal bull was made yearly, commencing on the first Sunday in Advent, and the sales continued until the work began again for the succeeding year, for the indulgences, no matter at what season they were purchased, expired with the close of the year.[4] There was, therefore, a permanent

[1] Novísima Recopilacion, Lib. II. Tit. xi. ley 7.—In 1547 the Catalonian Córtes prayed Philip II. not to allow inquisitors to serve as delegate commissioners, and he promised compliance, except in cases where it appeared necessary (Constitutions de Cathalunya, Lib. I. Tit. vii. cap. 1.—Barcelona, 1588, p. 29).

[2] Perez de Lara, pp. 12, 78.—In the indulgence of the Spanish bishops in 1570, the license to eat eggs, cheese, etc., during fasts was limited to cases of necessity, with permission of the confessor (*Ib.* p. 32).

[3] Relazioni Venete, Serie I. T. VI. p. 379.

[4] Perez de Lara, p. 67.

This was the permanent shape of the preaching, after the bulls were regularly granted for six years. In the earlier period, when the concessions were for three years, Paolo Tiepolo tells us, in 1563, that, to make them more profitable, they were divided into three parts. The indulgences sold during the first year were known as *bulas de suspension*, because they contained a

staff of officials, at the head of whom was the Commissioner-General, originally appointed by the pope, with the title of papal nuncio, but subsequently nominated by the king and commissioned by the pope.[1] In 1510 we find the office filled by Juan, Bishop of Bretoña, subsequently Archbishop of Cosenza; in 1512 by Diego de Ribera, Bishop of Majorca; in 1520 there are two, Cardinal Adrian, Bishop of Tortosa, soon afterwards elected Pope as Adrian VI., and Pedro, Bishop of Plasencia.[2] These were succeeded by a long line of illustrious prelates, many of them members of the supreme Inquisition, until, in 1591, Gregory XIV. prohibited inquisitors from participating in a matter which had no connection with the prosecution of heresy.[3] As early as 1512, we find the organization complete, with delegate commissioners in each diocese, receivers, treasurers, preachers, and other officials. All act under the authority delegated through the Commissioner-General by the pope, whose confirmation is required for any changes made in the regulations concerning the business.[4]

clause suspending for three years all other indulgences; those for the second year were called *bulas de composicion*, because they recited the privilege of compounding for illicit gains; those for the third year were termed *bulas de repredicacion*, because they returned to the first year's indulgences, with some additional graces to render them more attractive. Tiepolo alludes to the matter as a thing peculiar to Spain, showing that by this time such sales of indulgences had been abandoned in Italy (Relazioni Venete, Serie I. T. V. pp. 22–5). In 1525, Gasparo Contarini had described it as similar to the Italian "confessionali," and only dwells upon the greater rigor with which, in Spain, the people were forced to purchase (*Ibid.* T. II. p. 41).

[1] Perez de Lara, p. 5; Nogueira, p. 3. As late as 1542 a royal cédula recites that "nuestro M. S. P. ha nombrado por comisario generale y executor al M. R. en Cristo P. Cardenal de Sevilla" (Alcubilla, Códigos de España, Madrid, 1886, p. 908).

[2] Pragmaticas y altres Drets de Cathalunya, Lib. I. Tit. ix. cap. 1, 2, 5 (pp. 23, 24, 27). Both Perez de Lara (p. 7) and Salces (p. 381) commence the list of Commissioners-General in 1525, with Francisco de Mendoza, successively Bishop of Zamora, Oviedo, and Palencia, who was probably the earliest in the records preserved in the office of the Cruzada.

[3] Perez de Lara, p. 7; Nogueira, p. 4. Yet in the Indies the inquisitors, in 1607, are still ordered to assist (Perez de Lara, p. 55).

[4] Pragmaticas, etc., de Cathalunya, Lib. I. Tit. ix. cap. 2; cap. 4, § 3, cap. 5 (pp. 24, 27). The Córtes made King Ferdinand swear to supplicate and obtain from the pope certain reforms demanded (*Ib.* cap. 3, § 6).

At first, as we have seen, the preachers and agents employed were paid a commission upon the sales made through their exertions. Sometimes the whole business was entrusted to merchants, or bankers, who made advances upon the expected receipts, and charged a percentage upon the proceeds.[1] When the scandals thus caused led Pius V. to prohibit this, another method was necessarily adopted. Perez de Lara prints for us all the forms and blanks in current use in 1609, with explanations, by which we learn that it was then customary, in the last year of each six years' concession, to call for bids for the office of treasurer for the next six years. These bids could either be at wholesale or retail (*por mayor ò por menor*)—for the whole kingdom, or for bishoprics, or for particular districts. When the bids were opened the most advantageous were selected, and a second opportunity was given in which the bidders could make still better offers, thus putting up the affair at a sort of auction. The successful competitor was he who proposed, while accounting for all bulls sold at their face value, to defray all the expenses for the lowest sum. He paid the monasteries which had the printing contracts the price which they were allowed to charge for the bulls in blank; he provided the administration and the preachers; he divided the whole territory up into districts or circuits of convenient size, and he engaged that the preaching should begin in each circuit every year as soon as the previous year's sales were closed; that there should be preaching in every village of more than seventy families; that it should be thoroughly finished by Palm Sunday, and settlement and payment be completed by the end of April in the following year, including all compositions and dispensations embraced in the grant of the Cruzada. He was subject to a fine of thirty ducats for every village omitted; he was required to keep an adequate supply of bulls of all kinds in every place, and when the preacher left it the parish priest was charged to announce at mass on every feast-day during the remainder of the year the spot, usually in the church, where the bulls were for

[1] Paolo Tiepolo, Relazioni Venete, Serie I. T. V. p. 25.

sale, enlarging on their advantages and their importance for the souls of the faithful. For any remissness in this duty the negligent pastor incurred excommunication and a fine of fifty ducats. If sales were lost through an insufficient supply of bulls in any place, the treasurer forfeited thirty ducats and had to pay for the sales thus missed at the estimate of the preacher. As it was the intention of the pope that all the faithful should gain the indulgence, the treasurer was required not to refuse credit to any person desiring delay for payment, except to strangers or individuals notoriously intending not to pay, and his account was charged with any sales which he might thus refuse to make. It was to be clearly understood that no bulls could be returned after being once sold and delivered, and any official taking one back was subject to excommunication and a fine of thirty ducats for each offence, besides incurring disability for further service in the Cruzada. No one, however, was to be employed in the business who was not an upright and God-fearing man. While on duty they were entitled to free quarters wherever they went, and the local officials were ordered to see that they were well treated. After the preaching the delegate commissioner was required to investigate his district and satisfy himself that preaching had been done in every village, and that a sufficiency of bulls had been deposited there, and his certificate to this effect was required with the accounts of the treasurer.[1]

The selection of preachers was a matter of much importance. The provincials of all the Orders were summoned by royal command to furnish their best men; those chosen from among the secular clergy required the approbation of their episcopal Ordinaries.[2] They carried copies of the

[1] Perez de Lara, pp. 36, 68, 69, 70, 71, 72, 73, 74, 105–7.

On complaint of the Córtes of Catalonia, in 1512, Bishop Ribera, the Commissioner-General, abandoned the claim for free quarters and free victuals, and ordered the officials to pay fair prices (Pragmaticas, etc., de Cathalunya, Lib. I. Tit. ix. cap. 2, § 3), but this, like other reforms, seems to have been short-lived.

[2] Perez de Lara, pp. 37, 66. In 1554 a regulation of Philip II. limits the preachers to the Orders of St. Dominic, St. Francis, and St. Augustin, except

papal bull around from town to town, and no effort was spared to render its entry and departure as imposing as possible. All work was suspended, and the whole population was required, under pain of excommunication, to be present at the sermons. The authorities assembled, and a solemn procession met the bull and accompanied it to the church. The example was set at Madrid, where all the royal officials, from the President of Castile down, and all the clergy, were required to take part in the procession; the streets through which it passed were carefully cleaned in advance; the royal guard accompanied it with drums and trumpets; in the church of Santa Maria the bull was reverently brought in by the President of Castile, the Commissioner-General, and members of the royal council, and was placed upon an altar; mass was sung, and a sermon was preached by a friar who received a "limosna" of a hundred ducats. When the bull was carried from a town, it was accompanied by a similar procession.[1] No interdict prevented the preaching of the bull, and no quarantine was allowed to interfere with the entrance of its ministers.[2] During the time of sale all begging and soliciting of money for pious uses was prohibited, except that from door to door of the mendicant friars and recognized beggars.[3]

The preachers were instructed to praise and exalt the holy zeal and grace and benignity of the pope in granting the indulgence; they were to set forth, but not to exaggerate, the many graces, indulgences, privileges, and faculties embraced in it, and were to point out that any one who would take two bulls for himself or for the dead would enjoy twice the

in cathedral churches, where the chapters had the right of selection (Novísima Recopilacion, Lib. II. Tit. xi. ley 7); but a cédula of Philip III., in 1608, includes also the Orders of Merced, Carmen, Trinidad, and Minims (Perez de Lara, p. 37).

[1] Perez de Lara, pp. 33–4, 66, 67, 69.

[2] Perez de Lara, pp. 19, 21.

[3] Perez de Lara, p. 75.

This was not to be understood as prohibiting the charitable from making donations unsolicited for pious uses, provided they did not believe that they thus obtained the benefits of indulgences.—Pragmaticas, etc., de Cathalunya, Lit. I. Tit. ix. cap. 1.

indulgences and concessions. In the Colonies they were enjoined to take particular pains to persuade the Indians to purchase, and were charged on their consciences to be zealous, and to sell as many bulls as they could. No one was to be forced to take the bull, but the preachers were empowered to compel, with excommunication and other penalties, everybody to be present at the sermons of reception and departure, even on work-days, and to prohibit any other preaching in the town on those days.[1] The preacher, of course, had the best chance of effecting sales, and in twenty days after his task was ended he was required to render a statement of bulls sold, whether for cash or on credit, and to account for the amount received under oath that there had been no fraud or cheating.[2]

It was forbidden to pay the preachers so much apiece for the bulls sold, because, as was apologetically stated in their printed commissions, "His Holiness has forbidden it"; but, in the Colonies at least, they were promised an extra gratification as a reward for special zeal resulting in an increased sale within their districts. They were to receive fair wages for their time, which in Spain were rated at from eight to ten reals for each day actually employed. Besides the preacher, the parish priests, and, in the Indies, the missionaries, were ordered to labor assiduously in the pious work.[3]

The printing of the millions of bulls required for these annual sales was a matter of no small anxiety, for they had a current money value like bank-notes, and the extremest vigilance was exercised to prevent stealing, although it was prudently taught that stolen bulls lost their efficacy, and were inert in the hands of those who bought them.[4] In 1554 the printing was entrusted to the monasteries of San Pedro Martir of Toledo and of Nuestra Señora de Prado of Valladolid. Sufficient watchfulness was not exercised, and frauds were discovered. In 1566 more rigorous regulations were issued, and again in 1571 and 1584. Even the casting of the letter was done in the monastery, and if matrices and

[1] Perez de Lara, pp. 55, 64, 69, 80.
[2] Perez de Lara, p. 73.
[3] Perez de Lara, pp. 55, 61, 64, 83.
[4] Ceyro, p. 8.

type similar to those used in the bulls were found in possession of any one, they were destroyed, and the owner received compensation. The printing-office had its windows filled with heavy iron grilles, covered with copper net-work; the door was locked with two keys, each entrusted to a friar, both of whom had to be present when any one entered or departed, or when food was introduced, and all who passed the door were searched, on going in for white paper and on coming out for printed bulls. Every sheet of paper was numbered when delivered to the printer, and was accounted for and registered when printed. The same care was exercised in delivering the bulls to the treasurers. No secular person was allowed to enter the store-rooms, and all the handling was performed by the friars. When the year was over the unsold bulls were carefully collected by the treasurers, and returned, the receipts for the blank bulls being vouchers by which their accounts were credited. All the bulls returned, and the surplus stock on hand were carefully verified, and then the whole were destroyed in the presence of the friars.[1]

When the Cruzada was extended to the Indies, the printing of the bulls for the Colonies was entrusted to the Jeronymite monastery of Buenavista, in Seville; those for Sicily were printed by the Jesuits of Palermo. The price in Spain for printing the *bulas de vivos*, which required a full sheet, was one maravedí; that for the *bula de difuntos*, requiring only a half sheet, was a *blanca* or half a maravedí. The Palermitan Jesuits, however, received three blancas for the *vivos*, and half that sum for the *difuntos*. There was also a charge for custody and storage of a blanca and half a blanca respectively. These prices apparently paid heavy profits, for Philip II., in his will, made grants out of them to the monastery of San Lorenzo el Real of Toledo, and to his favorite Rodrigo Calderon.[2]

[1] Novísima Recopilacion, Lib. III. Tit. xi., ley 9—Perez de Lara, pp. 96–102.

[2] Perez de Lara, pp. 94,95. The grant to Calderon authorized him to charge an increased price for the blanks, showing how futile was the pretext that the profits were to be used for the war with the Infidel.

It required large returns to pay for the labor of all this enormous and thoroughly systematized organization, but the extraordinary popular demand for indulgences and the energetic methods employed for their distribution, rendered the business exceedingly lucrative. In 1525 the Venetian envoy, Gasparo Contarini, tells us that the three years' cycle brought in a profit of 500,000 ducats, or about 170,000 per annum.[1] With the gradual fall in the value of the precious metals, which during the sixteenth century declined to about one fourth their previous purchasing power, while the nominal price of the bulls remained stationary, the demand naturally increased. It is true that in 1551 Marino Cavalli estimates the annual receipts at only 120,000 ducats,[2] but in 1563 Paolo Tiepolo assures us that the value of the three years' concession was 1,000,000 ducats, clear of all expenses, including the 20,000 ducats of annual contribution to the fabric of St. Peter's.[3] Ten years later, in 1573, the estimate of Leonardo Donato is 350,000 ducats per annum,[4] and in 1575 Lorenzo Priuli says that the extension of the Cruzada to the New World by Gregory XIII. had resulted in an increase of receipts of 500,000 ducats a year, showing that the Indians had been industriously exploited.[5] In 1584 Vincenzo Gradenigo estimates the Cruzada of Spain alone at 600,000 ducats.[6] To form a competent judgment as to the real import of these figures at the period it suffices to compare them with the total royal revenues. Spain was universally recognized as the richest kingdom in Europe and the income of Philip was spoken of as the largest among monarchs, even without including Naples, Milan, and the Low Countries. From the report of

[1] Relazioni Venete, Serie I. T. II. p. 41. This, as we have seen above (p. 141), was considerably less than the profits from the bulls for St. Peter's.

[2] Relazioni, Serie I. T. II. p. 196.

[3] Relazioni, Serie I. T. V. p. 25.

[4] Relazioni, Serie I. T. VI. p. 378.

[5] Relazioni, Serie I. T. V. p. 233. He further informs us that in 1575 the royal revenues from the three ecclesiastical "graces," the Cruzada, the Servicio, and the Escusado, which all passed through the hands of the Commissioner-General, amounted to 2,400,000 ducats (*Ibid.* p. 243, *cf.* p. 264).

[6] Relazioni, Serie I. T. V. p. 391.

the Venetian envoys we have the following estimates of his Spanish revenues. In 1559, 5,000,000 ducats; in 1563, 4,600,000; in 1570, 4,500,000; in 1575, 5,500,000; in 1581, 6,500,000.[1] Of this the portion derived from the Indies, arising from the royal fifth of the precious metals mined and the seignorage of ten per cent. on the coinage, amounted in 1567 to 500,000 ducats; in 1570, to 600,000; in 1573 to 1,000,000; in 1581 to 1,000,000; then a sudden development in the mines occurred and in 1595 it reached 3,000,000.[2] Thus it will be seen that the proceeds of the Cruzada were not far from those of the fabulous wealth of the Indies which was popularly supposed to form the main source of Philip's revenues, and that when the tribute of St. Peter's was added, they constituted a very considerable part of the amount drawn by the most crushing taxation from a population enriched by a monopoly of the commerce with the New World. What proportion of this is assignable exclusively to the sale of indulgences it would be impossible to say. The receipts of the Cruzada included the sale of dispensations and the compositions for unlawful gains, but all these sources were based upon the power of the keys and only represent different modes of transmuting it into current coin. That the indulgences, however, formed by far the larger portion, is evident from the documents of the period, in which the position of the others is insignificant in comparison, and it is further presumable from the eagerness of the people to purchase indulgences. As we have seen, the Cruzada suspended all others and enjoyed a monopoly of the traffic. Pious foundations which held grants of rights to sell indulgences were obliged to bargain with the Commissioner-General for license to use their privileges. Paolo Tiepolo tells us in 1563 that a certain hospital paid for such a license 4,000 ducats and gained from it 180,000.[3] We may readily believe the repeated statements of the Venetian envoys that the Spanish king had no surer or more regular source of in-

[1] Relazioni, Serie I. T. III. p. 363; T. V. pp. 37, 169, 240, 294.
[2] Relazioni, Serie I. T. V. pp. 137, 169, 312, 464; T. VI. p. 457.
[3] Relazioni, Serie I. T. V. p. 24.

come, nor one more eagerly taken by bankers as a security for loans.[1] It was natural that the prelates and local churches should seek to participate in the wealth which they thus saw annually extracted from their flocks, and they made vigorous claims for a portion, usually a fourth, which the officials of the Cruzada were instructed to refuse peremptorily and to prosecute those who persisted.[2]

To estimate the actual amount drawn from the people we should have to add to the revenues the expenses of administration, and for this we have no data. In a business so intricate and extensive, consisting in the aggregate of sums so minute, the outlay must necessarily have been a not inconsiderable percentage of the receipts. Besides, in spite of all carefully devised safeguards, these necessary expenses were doubtless largely increased by the incurable profligacy of administration which involved the Spanish monarchy in such constant financial troubles. In 1656 the pious Cardinal Moscoso y Sandoval, Archbishop of Toledo, did not hesitate to tell Philip IV. that of the revenues derived from ecclesiastical sources, including the Cruzada, scarce a tenth part of what was paid actually reached the royal treasury.[3] In this there is doubtless rhetorical exaggeration; doubtless also maladministration had increased since the time of Philip II., but we may be sure that a considerable part of the contributions of the faithful do not figure in the receipts of the royal budget as reported by the Venetian envoys.

It was impossible that such a business could be carried on without grave abuses. Throughout the Middle Ages the frauds and extortions of the *quæstuarii*, or pardoners, were the object of constant complaint by the people and of indignant rebuke or of bitter sarcasm by reformers and satirists.

[1] Relazioni, Serie I. T. V. pp. 25, 449.—"E sono le piú sicure che abbia questa corona."

[2] Perez de Lara, pp. 21, 53, 54, 61.

[3] Vicente de la Fuente, Historia Eclesiástica de España, T. III. p. 277. That Cardinal Moscoso had some ground for his assertion is visible in the fruitless efforts made by Philip IV. in 1644 and 1647 to restrain the rapacity of his tax-collectors, who oppressed the people and enriched themselves.—Autos Acordados, Lib. III. Tit. ix. Auto 4 (Ed. 1775, pp. 367-73).

In 1348 and 1380 the Córtes of Castile petitioned Alfonso XI. and Juan I. to put a stop to the oppression by which the preachers, making collections for "*las demandas ultramarinas*," forced the people to attend their sermons, to the destruction of labor, and devised other ingenious methods of extortion; and both monarchs tried to correct the evil by revoking the commissions of the collectors.[1] When the Cruzada was becoming a permanent institution, the council of Aranda in 1472 complained of the pardon-sellers; it forbade them to preach or to distribute any papers or written documents; they were ordered to confine themselves to the strict letter of their indulgences under pain of three months' imprisonment, and all prelates permitting their transgressions were suspended *a divinis*.[2] From a secular standpoint their proceedings were equally objectionable. Ferdinand and Isabella, in their comprehensive legislation of 1480, were obliged to enact that no one should be forced to purchase the indulgences, or be subjected to vexations and oppressions—a law so completely disregarded that the Córtes of Castile at Valladolid in 1523 and at Toledo in 1525, complained of its non-observance and petitioned for its re-enactment.[3] During the interval, the Córtes of Catalonia in 1512 and 1520 reiterated the complaints of enforced attendance upon the sermons, of extorting offerings and of other vexations, and begged that the officials should be obliged to swear to observe the reforms which were promised and be punished for transgressions; especially they asked, without obtaining it, that the immunity which rendered these officials justiciable only by the Commissioner-General should be abolished and offenders be subjected to the episcopal courts.[4]

How little all this availed the people for relief is seen in the assertion of the Venetian envoy, Gasparo Contarini, in 1525, that the greatest tyranny and cruelty are exercised in

[1] Nueva Recopilacion, Lib. I. Tit ix. ley 1.

[2] C. Arandens, ann. 1472 c. xiii. (Aguirre, Collect. Max. Concil. Hispan. V. 347.)

[3] Nueva Recopilacion, Lib. I. Tit. x. ley 1.

[4] Pragmaticas, etc, de Cathalunya, Lib. I. Tit. ix. cap. 2, 3, 4 (pp. 24–7). The reforms asked for by the Catalans were granted by Leo X. in 1516, in the bull *Pastoris officii* (*Ib.* p. 20).

forcing the poor peasantry to buy the indulgences; if they decline, they are compelled, until they yield and purchase, to attend the preaching so persistently that they cannot earn a living.[1] In this Contarini alludes to only one of the vexations practised on the people, raising complaints so vigorous that in 1524 Charles V. had been compelled to issue a *pragmática* forbidding the preachers and treasurers from interfering unnecessarily with the labors of the people, from punishing them for non-attendance at the sermons, from compelling them to take the bulls against their will, or oppressing them in any manner, from forcing them to go beyond the bounds of their towns or parishes in accompanying the bull on its arrival and departure—all of which shows the ingenuity with which the sale was extended. So little obedience did this edict receive that it formed a subject of complaint in a subsequent Córtes, at whose request the law was enacted and published anew in 1528.[2] In 1554 Philip II. professed a desire to put an end to the abuses through which the officials frequently delivered to purchasers other bulls than the right ones, or printed papers of other kinds, or took the money without delivering the bulls, and com-

[1] Relazioni, Serie I., T. II., pp. 41, 42.—"Ora veramente s'usa ciò una grandissima crudeltà e tirannide verso quei poveri contadi e popolo minuto; imperoché quando si predicano queste bolle tutti sono sforzati di andar alla predica, e quelli che colle buone non le vogliono torre, li sforzano tante fiate andare alla predica, che li poveri uomini per non perdere affatto d'attendere alli mestieri e al vivere loro, le togliono per forza, e così si cavano questi danari."

[2] Novísima Recopilacion, Lib. II. Tit. xi. ley 6.

In 1547 the Córtes of Catalonia petitioned Philip II. to put an end to the mutiplication of feast-days and other abuses of the commissioners—"revocats tots abusos fins lo die present fets" (Constitutions de Cathalunya, Lib. I. Tit. vii. cap. 1.—Barcelona, 1588, p. 19).

The Council of Trent, during its first convocation, in 1546, sought to meet the general popular abhorrence of the *quæstuarii* by prohibiting their preaching. In 1562 it went further; it denounced them and their ways as an incurable scandal and forbade their existence in future; indulgences were only to be published by the Ordinary, assisted by two members of the chapter (C. Trident. Sess. V. De Reform. c. ii.; Sess. XXI. De Reform. c. x).

The Council of Trent was promptly received in Spain, but its commands on this point were wholly disregarded and the popes made no objection.

mitted other frauds easy of perpetration on an illiterate population; doubtless he was sincere, for these deceits defrauded the treasury as well as the people, but the remedies which he devised were purely nugatory.[1] In 1563, Paolo Tiepolo says that men were forced to buy, not only by the exhortations of the preachers, but by the fear of not being reckoned good Christians; which, I may remark, was a very serious matter under the Inquisition, and very suggestive of indirect methods of coercion. There is, he says, scarce any one found so poor, or so obstinate, as not to take the bulls, and those who cannot raise the two reals in cash are given credit; but when once they have entered into the engagement it must be met, for every effort and every rigor are employed in the collection.[2] The reproaches of Pius V. soon after this show how persistently the worst abuses flourished, and the partial reform which he effected, in depriving the preachers and treasurers of a direct interest in the sales, diminished for a time the intemperate zeal of coercion. Leonardo Donato, writing in 1573, says that no one is forced to take the bulls, but that the great majority do so, for, besides the devotion which induces it on the part of an infinite number, the confessors urge it on them and refuse absolution for eating eggs, etc., to those who do not purchase, and the preachers invite almost every one to buy; then, besides, there are the numerous descendants of Jews and Moors who fear to refuse, lest they fall into bad odor, even though they do not propose to avail themselves of the graces and concessions.[3] When the whole ecclesiastical machinery was thus brought to bear, it would seem as

[1] Novísima Recopilacion, Lib. II. Tit. xi. ley 8.—"Y hacen otros fraudes en gran deservicio de Dios nuestro Señor, y en daño de los fieles cristianos."

[2] Relazioni, Serie I. T. V. p. 24.

The Venetian envoy was moderate in his description of the processes employed. In 1555, Dr. Diego Perez, professor of canon law in Salamanca, is much more outspoken:—"Isti quæstores spe lucri maximas extorsiones, violationes, et inductiones non vere sæpe, solent facere: et sic involuntarii et coacti ut in plurimum, præsertim agricultores rustici fateri, vidimus eos recipisse, quod dolendum est de ipsis quæstoribus" (Gloss. in Ordenanzas Reales, Lib. I. Tit. viii. ley 2). No layman could serve as a "quæstor" (*Ibid.*).

[3] Relazioni, Serie I. T. VI. p. 380.

though coercion were unnecessary, but the effect of the effort of Pius V. soon passed away, and subsequent popes do not seem to have troubled themselves with the matter. In 1584, Vincenzo Gradenigo writes that the Cruzada is a heavy burden on these wretched people, for they are obliged to have a bull in order to confess and receive communion; this costs two reals, and thus in a family of ten miserable persons they are obliged to pay twenty reals, which require hard labor for a long time to procure.[1] We can readily believe that there is no exaggeration in these statements, for the business seemed to be one which rendered those concerned in it oblivious of the moral law. In 1601, Philip IV. repeated the recital of the frauds enumerated by Philip II. in 1554, showing that they had continued unchecked.[2]

One of the darkest features of the whole matter, however, was the pitiless rigor with which payment was exacted from those who had bought on credit. As we have seen, no efforts were spared to induce the poor who could not pay cash to take the bull and agree to settle at a future time. This became a binding obligation which was relentlessly enforced, and gave rise to an infinite amount of extortion on the helpless, for the treasurer had to pay for the bulls whether he collected the money or not, and it was necessary that he should have ample power to protect himself. It was in vain that the Córtes of Catalonia, in 1520, petitioned that the sale of indulgences on credit should be abandoned.[3] The request was refused and the only relief accorded was that payment should not be enforced by casting an interdict on the whole parish where the insolvent debtor resided, a provision which was extended to the rest of Spain by Charles V. in 1524.[4]

[1] Relazioni, Serie I. T. VI. p. 391.—"Una cosa molto grave a quei miseri popoli."

[2] Perez de Lara, p. 103.

[3] Pragmaticas, etc., de Cathalunya, Lib. I. Tit. ix. cap. 4, § 4 (p. 27).

[4] *Ibid.* § 6.—Novís. Recopilacion, Lib. II. Tit. xi. ley 6.

The complaints of the abuse of excommunication by the tribunal of the Cruzada, recorded by Carlos II. in 1677, 1678, and 1691, refer to its functions in collecting the imposts on the clergy, known as the *Subsidio* and the *Escusado*, and not to its dealings in indulgences (Autos Acordados, Lib. IV. Tit. i. Auto 4, Cap. 12, 13).

A royal order of 1554 describes the methods by which the unfortunate debtors were stripped of their little property: by way of reform it prescribes a plan which, if an improvement, only shows how merciless the previous procedure must have been. The *concejo*, or town-council, of each place is directed to appoint, for these deferred payments, a collector who was required, within forty days after the expiration of the term of credit, to pay to the treasurer of the Cruzada the amount of all the bulls placed in his hands for collection. For this he is clothed with full power to coerce the debtors, to levy on their property and to sell it. If some of the debtors prove to be too poor to pay even under this duress, or if any have been entered twice, or cannot be found, or if at the appointed time, the collector does not pay the required sum to the treasurer, the latter shall proceed against him with the most rigorous measures known to the law, and the town-council shall make good any deficiency. Although he is promised the fee of one maravedí for every bull collected, the office of collector thus held responsible for the bad debts contracted by the preachers does not seem to be regarded as attractive, for there is a provision that no one shall be compelled to serve for two years in succession; he is also to be free from the obligation of serving in any other office, from the liability of furnishing free quarters, and from some other burdens.[1] The system thus devised did not put an end to the abuses complained of, and in 1601, Philip III. re-issued the law with its recital of fraud and oppression.[2]

Evidently no commiseration for the sufferings of impoverished debtors was allowed to interfere with the collection to the uttermost farthing of the price of all bulls delivered, and the pretended relief was only a device for ensuring this result more absolutely. In the forms used in 1608 it is said that to prevent extortion and oppression on those who owe for bulls, no fees or commissions shall be charged for seizing and selling their goods. No article shall be taken that is worth more than double the amount of the debt; it is to be

[1] Novísima Recopilacion, Lib. II. Tit. xi. ley 8.

[2] Perez de Lara, pp. 103, 104.

sold at public auction in the town of the debtor, in presence of the alcaide or public scrivener; no official connected with the seizure shall be a purchaser, and if it brings more than the amount due, the surplus shall be restored to the owner.[1] If in this there is some desire manifested to prevent the spoliation of the debtor, it is probably because the Cruzada threw the responsibility of the indebtedness on the local authorities, and was careless whence the money came. A circular to the royal corregidores states that the treasurers of the Cruzada complain that many bulls remain unpaid for, although the term of credit and the forty days allowed to the collectors have run out; therefore steps must be taken at once to collect the amount due for all bulls on the register of credit sales not yet accounted for. For this purpose the persons and property of the collectors, and if this does not suffice, the property of the town-councillors, are to be seized and put up at auction, in accordance with the provisions of the local law, all expenses being at the cost of the town councils.[2] All this, it must be remembered, was for the service of God. It was purely spiritual business, and whenever the secular courts endeavored to extend their jurisdiction over the Cruzada they were told not to interfere.[3]

For a long while the popes continued to renew the bull of the Santa Cruzada every six years, and it escaped condemnation in the decrees of the Sacred Congregation of Indulgences, which in 1668 and 1678 swept away so many remnants of mediævalism. At length Clement XI., who had duly granted the concession in 1714, was aroused in 1718 by the

[1] Perez de Lara, pp. 74, 75. These provisions were in pursuance of a law of Charles V., issued as early as 1524, to diminish the vexations suffered by the people. In addition he was obliged to forbid the collection of these debts by the process of excommunication (Novísima Recopilacion, Lib. II. Tit. xi. ley 6). Charles II. had to issue a somewhat similar law in 1677 (Autos Acordados, Lib. I. Tit. x. Auto 3).

[2] Perez de Lara, p. 94.

[3] Nueva Recopilacion, Lib. I. Tit. x. leyes 8, 9; Novísima Recopilacion, Lib. II. Tit. xi. leyes 2, 3, 4, 5. The dates of these laws range from 1494 to 1713, showing how long the struggle continued between the secular courts and the Cruzada.

audacious attempt of Cardinal Alberoni, the minister of Philip V., to recover the Italian possessions of Spain. In his bull *Romanus Pontifex*, of June 4, 1718, he complained that although the Cruzada had been granted to the Kings of Spain to aid them in wars with the Infidel, and although Philip had sworn in the previous year to take part in the existing struggle with the Turks, he was turning his arms in a direction to aid them, wherefore the Cruzada was forthwith suspended. In January, 1720, the bull *Alias a Nobis* appeared, in which it was announced that although the diversion of the royal revenues continued, still the complaints of the faithful in Spain at the deprivation of their accustomed privileges are so great that grave scandals and disturbances may arise, wherefore, during the current year, the privilege is restored of eating eggs, cheese, etc., during fasts, provided no money is paid therefore, but only pious works. By this time the Quadruple Alliance was rapidly forcing Spain to renounce her ambitious designs, and the bull *Alias nos indulgentias*, of September 20, 1720, announced that, as the causes leading to the suspension had ceased, the Cruzada was restored.[1]

That the popular eagerness for the indulgence, and the consequent lucrativeness of the bull, had not diminished, may be inferred from the statement of Father Ceyro, in 1722, that in Portugal there were very few who did not avail themselves of it.[2] In Spain, the excessive multiplication of the officials of the Cruzada, who enjoyed exemption from certain onerous public duties and charges, proved extremely burdensome to the people. Philip V. in 1708 made an effort to diminish the number to those absolutely necessary for the business. In 1743 he again attempted it, complaining bitterly of the abuse, and issuing rigorous orders for the suppression of the superfluous machinery, and the abrogation of some of the obnoxious privileges. The Cruzada, however, was too influential to submit to this, and, a few months later, the king was induced to restore the

[1] Magnum Bullarium Roman. T. VIII. pp. 203, 210, 213 (Ed. Luxemb.).
[2] Ceyro, *Præfat.*

privileges.[1] Possibly it may have been this which led his successor, Ferdinand VI., in 1750, by virtue of a brief of Benedict XIV., to make a radical change in the administration of the Cruzada. He abolished the *Consejo de Cruzada;* the Commissioner-General was thereafter to be designated as "Apostolic Judge and Executor of the Briefs of his Holiness Benedict XIV.," with full authority over the ecclesiastical and spiritual affairs concerned, but the publication and preaching of the indulgence, the distribution of the bulls, and the collection of the proceeds were entrusted to the Royal Superintendent of Finance and a board under his direction. The income was to be devoted to the maintenance of the African Presidios, and to putting the southern coast in a state of defence against corsairs.[2]

This attempt at separating the spiritual from the financial interests of the Cruzada continued until 1802, when Carlos IV. remodelled the whole organization, and restored the Commissioner-General to its head. He was ordered to excogitate all possible means of increasing the productiveness of the business, and at the same time to suppress disorders, and to see that the dignity of so sacred an object was preserved in its full splendor. The most active measures, moreover, were prescribed to enforce payments by purchasers on credit.[3] The Napoleonic wars, and the disturbances which followed, probably overthrew the organization, but in the reaction which occurred after the troubles of 1823, Leo XII. renewed the concession, and it has since then been kept up, the latest grant being that of Pius IX. for twelve years, from the Advent of 1878 to that of 1890.[4]

In this the indulgence for the living in the *bula de vivos* is plenary, granting remission of all purgatorial punishments incurred by sin. The only conditions requisite are: first, to take the bull, giving the proper *limosna*; second, to con-

[1] Autos Acordados, Lib. I. Tit. x. Auto 7; Lib. VI. Tit. xiv. Autos 2, 4.

[2] Novísima Recopilacion, Lib. II. Tit. xi. leyes 11, 12.

[3] Novísima Recopilacion, Supplem., Lib. II. Tit. xi. leyes 1–5.—"Para que . . . haga que se conserve en todo su explendor la dignidad de un objeto tan sagrado."

[4] Pii PP. IX., Bull. *Dum infidelium* (Salces, pp. 387 *sqq.*).

fess and receive communion within the year of the publication of the bull, or, if this is impossible, to desire it with a contrite heart; but this confession and communion must be special for the purpose, and not those of precept to be performed every year.[1]

With regard to the *bula de difuntos*, when Pius IX., in 1849, made his first grant of the Cruzada by the bull *A multo jam tempore*, he omitted the clause authorizing its application to the dead, but the Commissioner-General, Cardinal Bonel y Orbe, Archbishop of Toledo, represented the matter to him, and in 1854 he restored it, since when it has been included in the renewals.[2] This indulgence, like the other, is a complete exemption from the pains of purgatory; as the Commissioner-General expresses it, it is an authentic receipt in full.[3] Some authorities hold that it is unnecessary even to insert the name of the defunct in the blank left for that purpose in the bull, but Padre Salces considers that it is safer to do so; in any event, after the bull has been once applied, it cannot be transferred, as it has already produced its full effect.[4] Curiously enough, conjoined with these positive assurances, there is a thrifty warning that it is prudent to take out repeated bulls for the same soul in successive years, because there may have been some requisite wanting in the first or second, and also because something

[1] Salces, pp. 69–71.—"Esta indulgencia es total, plenaria ó plenísima, es decir, es la remisión ó relajación de toda la pena temporal debida por los pecados."

A decree of the Sacred Congregation of Indulgences, December 17, 1870, states that in concessions of plenary indulgence for the living, it is customary to limit them to those who, truly penitent, have confessed and received the sacrament; no one, not in a state of grace, can receive a plenary indulgence, and in addition to this it is necessary to confess and receive the sacrament. Salces, however, tells us that for the plenary indulgence of the Cruzada it is sufficient to be in a state of grace, through perfect contrition without confession (pp. 130, 131). It will be remembered that in the seventeenth century the necessity of the state of grace was argued away.

[2] Salces, pp. 72, 73.

[3] Salces, p. 76.—"La indulgencia que aquí se concede es plenaria y total, por la qual el alma á quien se aplica la Bula se libra de las penas del Purgatorio; es un sufragio que iguala á todas las penas que en él debia pagar; es, en expresión del Señor Comisario, un autentico finiquito."

[4] Salces, pp. 76, 79.

depends upon the Divine acceptance, as also on the capacity of the soul according to its merits during life, and again on that of him who takes out the bull.[1] Still, the spiritual condition of the latter, we are told, has no influence; he need not pray, or fast, or confess, or take the Sacrament.[2]

The Infidel has so long ceased to be a subject of terror, that the pretext, which served for centuries to enable the Spanish kings to speculate on their subjects' fear of the hereafter, is no longer available, and the proceeds of the Cruzada are more decently converted to pious uses, though they still serve to relieve the burdens of the state and of the papacy. When Leo XII. renewed the concession, he made it a condition that a certain portion of the income should be paid to the Lateran and Vatican churches, to the Secretary of the Briefs, and to the Nuncio at the Spanish Court; this probably was neglected or suspended for a time, for when Pius IX. made the latest grant, he stipulated that the Commissioner-General should bind himself by a formal agreement to pay these sums.[3] In the Concordat of 1851 it was provided that the revenue of the Cruzada, after deducting the portion due to the Holy See, should be distributed by the bishops in pious uses in their respective dioceses; and in the supplementary convention of 1859, that it should be expended on divine service.[4] In this convention the income of the Cruzada was estimated at 3,000,000 pesetas, from which was to be deducted five per cent. for the administration in the dioceses, and six per cent. for printing and other general expenses, leaving 2,670,000 net revenue. The whole business is managed by the Commissioner-General and the bishops, but the proceeds are regarded as a portion of the national budget, applicable to the subvention for divine worship—in fact, it was hoped that they would furnish all that was needed.[5] Saving corrupt or negligent administration, there

[1] Salces, p. 79. [2] Salces, p. 82.

[3] Bull. *Dum infidelium*, § xiii. (Salces, p. 393). [4] *Ibid.* p. 388.

[5] Salces, p. 328. In a royal decree of October 30, 1873, it is said: "que los productos de Cruzada han de ser destinados á suplir la dotacion destinada al culto divino, ó, si es posible, á satisfacerla" (p. 332).

The Spanish *peseta* and *céntimo* are nearly equivalent to the French franc and centime.

can, I presume, be no reasonable doubt that they are thus applied, although Salces tells us that the majority of the faithful believe that they are misappropriated.[1]

As he further informs us that in 1874 and in some other years the receipts have fallen short of the estimated sum, it is fair to conclude that they generally reach it, and that it may be assumed as an average. This affords us a means of approximately computing the number of bulls annually sold. The present price of the *bula de difuntos* for all classes and of the *bula de vivos* for the common people, is three reals, or in the modern decimal coinage, 75 céntimos, equivalent to about 15 cents of our money. For the "ilustres" the *bula de vivos* is 4.50 pesetas, or about 90 cents, the "ilustres" comprising the nobles, from royal princes down, ecclesiastics down to cathedral canons, military men down to colonels, and officials down to judges; all the rest of the population is classed as *común*. The price of the composition for unlawful gains is 1.15 pesetas (23 cents).[2] It may be safely assumed that the great mass of indulgences sold are the *común de vivos* and the *difuntos*, and that the other graces of the Cruzada bring in comparatively little. The gross annual revenue being assumed at 3,000,000 pesetas, if we allow for the non-payment of a portion of those which are still, as of old, sold on credit, we shall probably not be far wrong if we estimate the annual consumption in Spain of the *bulas de Cruzada* at about 3,500,000. As this doubtless includes the Colonies, representing in all a population of about twenty millions, it shows that in spite of the reduced cost of the indulgences there is a falling off from the periods of more ardent faith, justifying Padre Salces in his regrets that the Spanish Catholics who avail themselves of the bull are few in number compared with those who despise it or regard it with indifference.[3]

[1] Salces (p. 333) excuses himself for giving these details "para sacar á la mayor parte de los fieles del error en que están de que á la limosna ó producto de las Bulas no se da el destino y aplicación tan santo." [2] Salces, p. 39.

[3] Salces, *Prologo*.—"Tesoro del que se aprovechan los españoles católicos que son celosos de su salvación; pero que son pocos en comparación de los que hacen de él poco aprecio, mirándole con indiferencia."

A CRISIS IN THE MIDDLE AGES.

A CRISIS IN THE MIDDLE AGES.

By Rev. JAMES CLEMENT MOFFAT, D.D.,
Professor of Church History, Theological Seminary, Princeton, N. J.

Pope Gregory VII. had pronounced excommunication upon Henry IV., Emperor of Germany, and divided the German princes. The latter held a meeting, at which it was resolved that Gregory should be invited to Augsburg to hear, in an assembly of the princes, all the charges against their emperor, after which the final decision of the case should be left to the pope. But if Henry, by any fault of his own, remained under excommunication a year, he should be considered incapable of ruling forever. Meanwhile he was to live in a private capacity.

The emperor did not, by any fault of his own, remain under excommunication, but hastily undertook a fatiguing journey over the Alps, in midwinter, to have the papal infliction removed as soon as convenient, and had sought presentation to his Holiness in a manner alike respectful to the papacy and the empire. Gregory was on his way to Augsburg, and met the emperor at Canossa, a castle in the north of Italy. There, instead of what a proper-minded gentleman would have done even to an enemy captured in war, the pope, in the month of January, compelled his royal applicant to denude himself of his suitable attire, and to stand fasting on the outside of the castle, in the most abject clothing, for three days, before admission was granted him. And, when admitted, it was only to receive a limited absolution, on condition of appearing before the proposed court in Germany, where all the charges against him were to be repeated —a mockery of absolution. It was, however, in the conflicting spirit of the previous time—a time of warfare and of general violence.

The preceding two hundred years had been, for the greater part, a progressive degeneracy on both sides, high and low, rich and poor. Private wars became so common that people could not go to church without the risk of life involved in the quarrels of one party or another. And some of the highest clergy, especially the popes, were themselves the deepest sunk in guilt. From the latter days of the Carolingian princes, the breaking down of their hereditary empire, and the creation of its electivity, while the popes, elective by a more persistent body of electors, and claiming the superior branch of the monarchy, as that proceeding from on High, and yet deriving it from the most licentious depths of earth, there had been rarely a free monarch or an independent pope. The attempts of civil monarchs to purify the evils complained of in the Church had more effect to promote papal ambition than to restrain the baser desires. Early days of the first Carolingians were hopeful of better times. But the last years of the ninth century settled down on conceited fictions of papal ambition, in the false decretals, and the false donations of Constantine, and expectations to realize the sensual elements to proceed from them. The sequel was that the whole tenth century and, at least, two thirds of the eleventh must be included as, immorally, the darkest depth in the Middle Ages, and the most profligate of what was called the Christian world, while a blind despotism aimed at absolute constraint of government, ordered by men whose orders were passions, and among whom the most abandoned were the popes themselves. To such a degree of revelry was their irregularity often carried that the emperor had sometimes to be invited from Germany to compel the pope in Rome to decency of deportment.

From about the middle of the eleventh century the monk Hildebrand, for twenty years, had done much for good external order. But his plan for effecting good order was to compel, a plan always liable to retaliation. He knew no other means than force. The men of that time had to fight for order, if order was to be obtained. And Hildebrand was a stern adherent to the method of compulsion, obtrusive of

his own impulses to the last extreme. In his treatment of the Emperor Henry IV., at Canossa, he evinced an amazing oversight of human nature by inflicting what could not be other than a mortal indignity, gratuitously insolent, upon a man accustomed to the highest honors of sovereignty from his youth. But Gregory VII. was still the monk Hildebrand. And in all those three days and nights during which the half-naked emperor stood outside of the castle walls, did the pope take it into his head that the young monarch might retaliate upon him? No; he seems to have been actuated entirely by ideas of the cloister, as if an emperor was to be reduced to obedience like a disorderly monk. It has been boasted as a victory of the pope over the emperor, a strangely obstinate error indulged in by the general public for not less than eight hundred years, to the complete overlooking of the real fact in the case.

That one act of vulgar rudeness proved a fatal mistake for Gregory, personally as well as politically. The emperor had been at the head of successive armies, and might be the leader of others, in spite of all mere verbal conditions. The limited absolution grudgingly yielded to Henry, and meant by the pope to be conclusive in nothing, was enough for the king's subjects in Northern Italy. They, learning that he had received absolution, immediately took it for valid, as it ought to have been, and held him to be restored fully to his power among them. For other reasons of their own the northern Italians had few friends to Gregory among them. Moreover, a strong party in Germany defended the cause of their young monarch. The pope did not cross the Alps. It was too dangerous. The hatred of Gregory among the northern Italians amounted to abhorrence, and Henry, for submitting to the indignity, was coldly received for a season. But that passed over. The court where Gregory was to preside at the trial of an emperor was indefinitely prorogued. The trial resolved itself into a military difference of opinion, which ultimated in defeat of the pope's party; and the emperor's march at the head of his victorious army to Rome, with his own pope to be installed, while Gregory

took refuge in the Castle of St. Angelo, from which he was rescued by the Normans under Robert Guiscard, and carried to Salerno, where he died, 1085.

Such was the often boasted victory of the pope over the emperor. It was the very opposite. Henry had, for the time, the decided advantage, and set up and maintained his own pope, or anti-pope, Clement III., in Rome. But the Gregorian party also elected theirs, Victor III., a very reluctant one, who never entered into the spirit of his office, and when he died, the same party elected Urban II., a man who, without violence, knew the path to success.

The policy adopted by Gregory VII. relied upon force, the style of the long preceding time. Urban II. saw that the papacy was not endowed with any real force, and could not hope ever to command the commanders of armies in their way. It was humiliating to sustain a policy pretending force, by having to solicit military aid. Urban II. made no such pretension. His alliance with the Norman Duke of Apulia and Calabria was merely a Christian friendship, in which he might take refuge if violence assailed him. His sacred office he deeply perceived must be sustained by the religion it professed, not by force for the triumph of superior force, but, if by force at all, for the triumph of Christ. And yet there was much difficulty in effecting that end by such means. At the end of seven years from his election, although gradually gaining ground morally, his position was still precarious.

It was then that a pilgrim arrived from the Holy Land destined, without any intention on his part to that end, to effect more to sustain the cause of the desponding pope than could have been done by any prince in Christendom. The pilgrim sought an interview with the homeless pontiff, narrated his adventures and sufferings, made his confession to him, and from him received a full and frank absolution. He also recounted the sufferings which the Oriental Christians had to bear from Saracenic cruelties.

Urban also granted the pilgrim his cordial permission to preach an expedition against the oppressors of the Holy

Land, which he had been commissioned to solicit by the pontiffs of the East.

Thus vested with all proper authority, the pilgrim issued forth on his memorable mission. It was in the spring-time of the year 1095 when he crossed the Alps into the Northwest. Multitudes of returned pilgrims, with their tales of adventure and of danger, then scattered over Europe, had already aroused the indignation of all classes of people, and prepared them like tinder to be kindled by the fiery eloquence of the new apostle.

But Peter the Hermit was followed by a more powerful spokesman,—not more entertaining, but one who earnestly aimed at conviction of practical truth, and especially in the minds of men who loved the Gospel. Pope Urban II. used the facts of Peter's tales to enliven his argument for the cause of Christ. Peter awakened the popular enthusiasm. Urban organized the whole scheme. He held a numerous council on the subject at Placentia in March, 1095, and another in November of the same year at Clermont in Auvergne, at both of which he pled with powerful persuasion a war for rescue of the holy places—the places upon which the feet of Christ had trod. Peter was also at Clermont, but Urban alone was prepared with a complete organization for the enterprise, and proposed the badge of a red cross for all who were willing to enlist in it. But for those organizing means, the excitement created by Peter the Hermit would have been only like fire upon the prairies, sweeping over the country and leaving behind it nothing but the marks of burning.

At Clermont a vast multitude of laity and of clergy assembled in church and in the open air. The very locality was exciting, commemorative as it was of the heroic days of Auvergne. The lofty Puy-de-dome lifting his head and shoulders above all the other mountains, looked down upon the old historic scene as in the days of Cæsar and of Vercingetorix. It was impossible that the Auvergnese should not have been moved to an enthusiastic zeal. The arguments of Urban were responded to by the unanimous shout, "It is

the will of God!" "Deus lo volt!" shouted the unlearned. "Deus vult!" said the clergy. The bishops separated to preach the crusade to their respective people. Urban himself spent many months to the north of the Alps, employing himself in the spiritual interest of the Church. Hundreds of thousands of the laity assumed the red cross, and some in their zeal branded the cross upon their own bodies and enlisted in the expedition. From Urban every thing proceeded in the name of Christ and association with Christ and the cross, and to facilitate the distribution of the latter, the business it involved was assigned to Ademar, the Bishop of Puy, who was to see to the central duties in Auvergne.

Without counting the disorderly rabble who followed Peter the Hermit, as many as six hundred thousand trained men followed Godfrey of Bouillon, Robert of Normandy, Robert of Flanders, Tancred of Sicily, Raymond of Toulouse, and others, with an ardor and power which proved irresistible. Although a brave defence was encountered at Nice, at Antioch, at Edessa, and elsewhere, the vast army of zealous crusaders, in the spirit of their shout at Clermont, "It is the will of God!" on the 15th of July, 1099, entered Jerusalem in victory. The triumph of Urban was complete. He was lifted above all mere human rivalry. The population of western Christendom had sustained him as the advocate of Christ. Their volunteer ranks had laid the Greek empire and Oriental Christians under a solemn obligation before Christ. They had subdued the Sultan of Roum, had removed the anti-Christian opposition which had encountered them in Syria, and rescued Jerusalem and the sepulchre of Christ, with the Holy Land, from the abuse of heresy and the false prophet.

That, in its way, was a real Christian revival over against Mohammedanism, and the thousands who returned from the crusade returned with greater interest in the cause of Christ.

Fourteen days later Pope Urban II. died—too soon for him to know the depth and breadth of the influence he had wrought, or the nature of which it was. But he had left the Christian world in a better frame of mind, a more direct and practical Christian zeal.

The next two hundred years were of a different spirit from the preceding two hundred, almost entirely.

The tenth and eleventh centuries, with their shameless immoralities, were never brought back to the Christian world again. New days dawned in brighter hopes. The beautiful meditations of Anselm had already begun to ascend above the horizon. And soon afterward arose the greater orb of Bernard, followed by the school of William of Champeaux, and the greatest among teachers, the brilliant Abelard. Intellectual pursuits increased, learned scholastics sought deeper fountains of truth; to them we are indebted for the first complete treatment of theology scientifically. I do not mean *philosophically*, for we had that long before from Augustine. Their reputations crowded their schools with pupils. Christian society was supplied with theology, with philosophy, with devotional treatises, poetry of popular songs, the work of troubadours—very far from being all unsanctified,—hymns of the Latin hymnolgists—of which we are only beginning to discover the value. The pious singers of those two hundred years ceased not successively to fill their places of charming song, until the morning of the fourteenth century rose upon the world, and Dante, rejoicing in its light, gave forth the harmonies of his Divine Commedia.

The fourteenth century never surrendered her intellectual gains. Improving reformation declared itself as time went on. And material nature added her discoveries to the labors of human intellect. And, notwithstanding the adversities of the fifteenth century, the Christian depth and truth of devotion which spread abroad in the worship of the Mystics, supplied the sincerest devotional part of the Reformation.

The most valuable literature of the Middle Ages was produced between the beginning of the twelfth century and the end of the thirteenth. It was the period of the greatest scholastics. It was that which created the universities. It laid the foundations of our scientific theology, and created our science of the material world and our modern systems of education.

MELANCTHON'S "SYNERGISM."

MELANCTHON'S "SYNERGISM."

A STUDY IN THE HISTORY OF PSYCHOLOGICAL DOGMATICS.

By Rev. FRANK HUGH FOSTER, Ph.D.,
Professor of Church History, Theological Seminary, Oberlin, Ohio.

The problems of anthropology depend for their solution in an unusually large degree upon psychology. While the evangelical church looks to the Bible for the materials of its theology, it still depends upon the use of human reason in the interpretation and adjustment of the materials there presented. Especially is this true in the matter of conversion and related doctrines. The language of the Bible is general, rhetorical, theological, practical, or popular, as you may choose to call it, but not strict, philosophical, theoretical, or scientific. The ultimate facts of the doctrine may be perfectly clear to the biblical student, but the adjustment of those facts in a dogmatic system will depend largely upon his ability as a thinker to see in the facts what the biblical writers have not thought fit to utter in express terms, and this upon his mental equipment for his task, or, in other words, upon his knowledge of the constitution and operations of the human mind, within which the process of conversion goes on. The history of Melancthon's "synergism" brings this peculiarity of the subject before us in a very interesting way, for clearer ideas as to the nature of the soul went, in his case, hand in hand with the alterations of the theological system; and thus his efforts to arrive at a statement of the process of conversion which should be at once true to the Scriptures and to the consciousness and the moral necessities of man, are not only interesting as the mental history of a great mind, but throw light upon the interrelations of an-

thropology and psychology, give us many suggestions as to the interpretation to be put upon the Reformation theology at the present day, and may serve to reveal the lines upon which all progress in respect to these questions is to be sought.

I. THE ORIGINAL WITTEMBERG DOCTRINE.

When Melancthon arrived in Wittemberg, though a famous scholar, who had declined calls to two great universities, and the author of a Greek grammar, he was still a young man, but twenty-one years of age. With a training such as his had been, though inclined to liberal ideas by the humanism in which he had been educated, and of which he was himself a representative, it is impossible that he had acquired a deep knowledge of the evangelical system as taught by Luther, or that he was prepared for the work of a theological teacher. The circumstances of the time and place, however, demanded that the Greek which he was called to teach, should embrace not merely the classic writers, but also the New Testament, and he began accordingly to lecture upon the Epistle to Titus, one of the most practical and least exacting in a theological sense, that he could have selected. But, once within the circle of theological activity, he was carried forward to the devotion of more and more strength to theological studies, by the course of events. The disputation at Leipzig led to his transfer to the theological faculty. The following year, while still but twenty-three, he gave his first course of lectures upon dogmatics, which were published one year later as the first edition of the famous *Loci Communes*. In all this period he was Luther's pupil; and for many at least of his theological conceptions he must have been entirely dependent upon his teacher. In no place was this more the case than in the department before us, where the character of Luther's theology had been determined by his deep religious experience, and where, no doubt, it seemed to him and to his followers that the cause of the Reformation stood or fell with the truth of those forms of thought which he had adopted. This dependence upon Luther makes it

necessary, as the first step in our study of Melancthon's theories, to see what Luther's teaching was.

(1) *Luther's "De Servo Arbitrio."*

Luther's first theological training was received, next to the Bible, from the writings of Augustine, whose treatise, *De Spiritu et Litera*, was a favorite with him.[1] His theology rested upon Augustine, but it out-Augustined Augustine. It may be taken as a generally accepted result among scientific students of Augustine, that his doctrine of the bondage of the will relates to the material rather than the formal condition of the will. In Luther's favorite treatise, and elsewhere, he often makes the distinction between *liberum arbitrium*, the faculty of free will, which remains unchanged by the operation of divine grace, and *voluntas*, which is the individual volition, the character of which grace determines.[2] Hence the bondage of the will which Augustine teaches, is the persistence of evil choices (*voluntates*) on the part of a will which has, in every moment of evil choice, power to choose otherwise (*liberum arbitrium*), and the freedom of the will is that state in which the free will (*arbitrium*) under the operation of grace, freely chooses the good (by the particular *voluntas*), is thus healed (*sanitas*), and becomes fixed in holy choices (*voluntaria felixque necessitas*).[3] Thus the faculty of the will is left intact in its nature, and all Augustine's doctrines, including even his predestination, however strongly stated, must be interpreted so as to save the metaphysical freedom of the will.

This theory was the production of a theologian, who was also a philosopher. The keen mind which had been trained in the schools of the ancient rhetoric and which had anticipated the sceptical struggles of Descartes, and with its "*Si fallor, sum*," found his solution too, could distinguish be-

[1] He refers to it in the *De Servo Arbitrio, e. g.*, ch. 84.

[2] "*Liberum arbitrium non evacuatur per gratiam, sed statuitur, quia gratia sanat voluntatem, qua justitia libere diligatur.*" Ch. xxx., § 52; comp. ch. xxxiii., § 58.

[3] *De Spir. et Lit.*, § 58. *De Perf. Justit. Hom.*, ch. iv., rat. 9.

tween what belonged to theology and what to philosophy. Augustine depended upon the Scriptures, but he did not take the glowing and popular language of the word of God for the balanced and selected terminology of philosophical schools. But Luther could make no such distinctions. He was first and last a theologian, and one who purposed to derive his theology from the Scriptures. The theological, the religious motive predominates throughout his work, displaces and even annihilates every conscious philosophic consideration.

We see these characteristics the moment we begin to read his work upon the bondage of the will (*De Servo Arbitrio*), written against Erasmus. He teaches that God is the sole ruler of the world, that he has predetermined all events and even the slightest actions of the will, that he has chosen certain men unto salvation and reprobated others unto eternal destruction without the least regard to merit in either case, and he denies utterly all free will. Yet it is evident upon the slightest examination that he is not speaking metaphysically in any of these statements apparently so clear and logical. Like Augustine, who taught that "all *good* was from God,"[1] Luther exalts God to the position of sole cause not from a cosmological but from a theological interest. God is all in all, and hence he must "control (*movere et agere*) all in all."[2] "These things are reasonable and certain," he says, "if we believe that there is an omnipotent God."[3] The necessity of the election of God rests upon the fact of his foreknowledge,[4] but both foreknowledge and election are dear to Luther's heart because otherwise "one cannot believe God's promises, or certainly trust and rely upon them."[5] In his strongest expressions about election, the same feature repeatedly appears. For example, he says:

[1] "*Omne bonum aut Deus, aut ex Deo.*" References in Thomasius, *Dogmengeschichte*, I., 496. [2] *De Servo Arbitrio*, ch. 148. [3] *Ibid.*, ch. 149.

[4] "*Deus nihil præscit contingenter, sed omnia incommutabili et æterna infallibilique voluntate et prævidit et proponit et facit.*" Ch. 17. "*Pugnat itaque ex diametro præscientia et omnipotentia Dei cum nostro libero arbitrio.*" Ch. 159. "*Si Deus præscit, ipsum necessario fit. Hoc est, liberum arbitrium nihil est.*" Ch. 163. [5] *Ibid.*, ch. 21.

"If free will has the same limits and the same impotence in all men, there is no reason which can be given why one man attains grace and another not, if nothing else is preached than the lenity of the enduring, and the chastisement of the pitying God. . . . Then God, robbed of the virtue and wisdom of electing,—what will he be but an idol of fortune, with whose approval all things may be rashly done? . . . Men may then even be saved without God's knowing it!"[1] When he says that God "damns those who have not deserved it,"[2] it is his object to emphasize the fact that all decrees are like the decree resulting in salvation, which does not regard the merit of men. "Let us assume," he says, "that God ought to respect merits in damning men, shall we not equally contend and concede that he looks upon merits in saving them?" Supralapsarianism is thus necessary, in his mind, to the defence of free grace. In like manner, the expressions which are used in setting forth the bondage of the will are such as point exclusively to the material bondage which Augustine had in mind; but they are not balanced and guarded with the care which that teacher employed. Luther says that Erasmus proposes a man "who either can do what is commanded, or at least knows that he cannot. But no such man exists. And if there were any such one, then truly, either things ridiculously impossible would be commanded, or the Spirit of Christ would be in vain. But the Scriptures present such a man as is not only bound, miserable, captive, sick, and dead; but who adds, under the influence of Satan his principle, the misery of blindness to his other miseries, so that he believes himself to be free, happy, at liberty, powerful, in health, alive."[3] He describes the sinful man as a pack-animal driven by Satan. He makes the practical nature of the bondage clear by distinguishing between the "necessity" which he himself predicates of evil in the will, and "coaction" which he denies. "We act voluntarily and freely, according to the nature of the will, which if it were compelled, would not be will. "*Nam coactio potius est* (*ut ita*

[1] *Ibid.*, ch. 143. [2] *Ibid.*, ch. 174. [3] *Ibid.*, ch. 99.

dicam) *Noluntas*."[1] And yet, so afraid is he that in some way it may be thought that the bondage of the will is not real and absolute, and some other way of help to the lost sinner devised than the gracious operation of the Spirit of God, that he flings away the philosophical distinction between a necessity of consequence and of consequent, that is, between an absolute necessity, and one dependent upon precedent causes, declaring it to have been suggested by the "opposition of science falsely so called,"[2] denies any "pure will," able to will good or not to will it,[3] and finally shows how exclusively his interest is absorbed in the theological aspects of the matter by saying that the despair arising from such views as he urges is "salutary and near to grace."[4] So strong is Luther's grasp of his theme; but into what paradoxes and repellent forms of expression has he been betrayed!

(2) *Melancthon's Original Doctrine.*

As already suggested, the doctrine of the first edition of the *Loci* is exactly that of Luther. Certain slight suggestions make the dependence clearer, as when the mild Melancthon calls free will an "impious doctrine," or with Luther's hatred of scholasticism, says that in "these latter times we have embraced Aristotle instead of Christ," or refers to certain authors, "both ancient and modern, who have interpreted the Scriptures in such a way as to show their desire to satisfy at the same time the judgment of the human reason,"—all of which expressions resemble the familiar utterances of the impetuous master.[5] Liberty is defined as "the power to act or not act, to act thus or otherwise."[6] With reference to this definition, Melancthon proposes the question: "Whether there is a free will and how far it is free." The answer given is this: "Since all things which occur, occur necessarily according to divine

[1] *Ibid.*, ch. 45. [2] *Ibid.*, ch. 160. [3] *Ibid.*, ch. 82. [4] *Ibid.*, ch. 160.

[5] *Corpus Reformatorum*, ed. Bretschneider and Bindseil, Vol. XXI., col. 86.

[6] "*Est autem libertas, posse agere aut non agere, posse sic aut aliter agere.*" *Ibid.*, col. 87.

predestination, there is no liberty of our will"! It is not intended that the answer should apply only to the religious sphere, leaving the ordinary affairs of life under our free control, but, since the predestination of God extends to all things, even to the numbering of the hairs of our heads, there is no contingence, no chance, no fortune in any thing, and thus by the "necessity of predestination, the Scripture takes away the freedom of the will."[1] This is Luther's doctrine, and it rests upon his postulates, upon his theory of the Scriptures, and his contempt of philosophy.

But at this point, although the doctrine is unwaveringly maintained, a style of consideration is introduced which portends change. For the sake of satisfying those "to whom the things we have said about predestination seem to be too hard, we will consider the nature of the human will itself, that the studious may know that the sophists are incorrect not only in theology but also in psychology (*in naturæ judicio*)." Philosophy is thus admitted as the handmaid of theology; but it may be that she will later assert her rights to partnership in the decision of the great questions here treated. Before we pass to this psychological discussion, we need to know something about Melancthon's views of the science of the human mind, upon which the discussion will depend.

A somewhat more distinct view of this than that offered by the *Loci* themselves is given in the "*Adumbratio*" of the *Loci*, as the editors call it, a lecture note-book of the year 1520, which has fortunately been preserved to us, and which reproduces the lectures as they were first delivered by Melancthon. The mind of man is here divided into two faculties: that of knowledge (*vis cognoscendi*), and that "in which the affections arise" (*vis in qua affectus nascuntur*).[2] The former faculty has no moral quality. Under the latter head, the will as well as the affections are embraced. Melancthon says: "The faculty from which the affections arise is that by which we avoid or pursue things known. This faculty some call the will (*voluntas*), some the appetite, some

[1] *Ibid.*, col. 89. [2] *Ibid.*, coll. 13, 14.

the affection." It rules in man as a tyrant does in a state, and the intellect (*intellectus* or *cognitio*) is its subject. The "works of the affections" are said to be "to avoid, to pursue, to love, to hate, to fear, to grieve." Thus, in agreement with the psychology of all his great predecessors, the two faculties of the mind, sensibility and will, are confounded by Melancthon under one head. It seems as if he were at one time upon the point of distinguishing between them, for he speaks[1] of the will "simply compared with the affections," and declares that it is not free, but as a captive is ruled by the affections, now good and now bad. But he falls back again into a perfect confusion of the two, as is specially evident from the first edition of the *Loci*,[2] where the impossibility of man's controlling his affections by any power, even the will, is maintained, and where, on the other hand, the will is so fully under the control of the affections that Melancthon prefers to call both powers indiscriminately by the term "heart."[3] Thus the necessity with which the sensibility operates, is imposed upon the will, or rather the necessity which dominates the will and the affections is identical.

Upon the basis of this psychology, Melancthon conducts his rational discussion. He admits that from the standpoint of the natural judgment there may be a certain external liberty, for example, of saluting a man, or not saluting him, of putting on a garment, or not putting it on, etc. But this is of little consequence to the theologian, who is engaged in discussing the purposes which govern the man, and their origin. But if there be this external freedom, even the natural judgment gives no proof of internal freedom, since the will cannot produce or destroy love, hate, or similar affections, but an affection is conquered only by another affection. The affections govern the will, and the will is the fountain of the affections, that is, they are indistinguishably

[1] *Ibid.*, coll. 15, 16. "*Voluntas humana simpliciter comparata cum affectibus non est libera, sed captiva regitur tum bonis tum malis affectibus.*"

[2] *Ibid.*, col. 92. "*Internos affectus nego in potestate nostra esse, nec permitto aliquam esse voluntatem quæ affectibus adversari serio possit.*

[3] *Ibid.*, col. 90.

the same. And hence the summary of Melancthon's doctrine is that though there seems to be an external freedom, predestination teaches that all actions are necessary; or, if a man cares nothing for theological doctrines like predestination, even upon the basis of philosophy, there is no internal freedom.[1]

It is the common experience of the Christian church that, when the doctrine of predestination is thus sharply stated, and pressed to such an extreme, a reaction is speedily called forth. Melancthon's doctrine was too flatly in contradiction with human consciousness, with ethical necessities, with Christian experience, and with the word of Scripture, to maintain itself long without opposition. In this case the objections to it were perceived by its formulator himself, and the change went on in his own mind and has been set forth in his writings. He may have received the initiative impulse from Erasmus's work on free will, which he immediately read, and of which he at first hoped much,[2] whose teachings, however, did not replace those of Luther in the edition of the *Loci* published in 1525,[3] but whose influence over Melancthon may have grown upon subsequent reflection. However this may be, change soon began, the course of which we will follow, taking the various modifications of the *Loci* as our guide.[4]

II. THE DEVELOPMENT OF MELANCTHON'S FINAL DOCTRINE.

The second age of the *Loci*, so styled, begins with the edition of 1535. There are two dogmatic documents before this date to which we may obtain access, which will assist us somewhat in tracing the modifications of Melancthon's mind,—the Augsburg Confession (1530), and the notes of Melancthon's lectures on theology, taken by Bugenhagen in the year 1533.

[1] *Ibid.*, col. 93.

[2] *Corp. Ref.*, vol. i. col. 674.

[3] So states Herrlinger, *Theologie Melancthon's*, Gotha, 1879, p. 72.

[4] Herrlinger (pp. 73 *ff.*) has shown that the movement we are about to trace began much earlier than its results appeared in the *Loci*. The Visitation Articles of 1528, the "Scholien" to the Epistle to the Galations, 1527, the edition of the Commentary upon Romans of the year 1532, exhibit various stages of the progress.

(1) *The Modifications of His Psychology.*

Let us first trace the modifications which Melancthon's psychology underwent. Change begins in the notes of Bugenhagen.[1] The twofold division of the mind into the faculties of knowledge and of appetite (*vis cognoscendi, vis appetendi*) is repeated, but only to suffer immediate alteration. The intellect recognizes and discerns the right, the appetites either pursue or flee things presented. This is as before. But now the will is said to be able to command an external work, though presented by the imagination,[2] even contrary to its own appetite or that of the senses. The infallible connection between the will and the appetites is thus broken, and Melancthon prefers now to classify with Cicero, and divide the mind into λόγος and ὁρμή. Ὁρμή signifies all the appetites of the senses and the higher nature. Λόγος comprises "the judgment and the will obeying a right judgment and commanding right things *whether the appetites assent or oppose.*" In the *Loci* of two years later, Melancthon has grown more bold. He briefly divides the mind thus: Reason or mind which judges; will which either obeys or opposes the judgment, and rules over the lower powers. The lower powers are the senses and the appetites of the senses or affections.[3] This division not only sets the will free from the subjection to the affections which characterized the first form of Melancthon's psychology, but seems to put the affections in subjection to the will, which is equally removed from the truth. Melancthon is evidently reflecting upon the relation between the rise or subsidence of emotions and the action of the will, but unable entirely to satisfy his mind. The last form of the *Loci* (1543) shows that this process was still continuing. There are two parts of the mind, the *pars cognoscens* and the *pars appetens*, which is called the will, and which obeys or disobeys the judgment. Under the will are the appetites of the senses, or the affections, the fountain of which is the heart, which sometimes

[1] *Corp. Ref.*, vol. xxi., col. 275.

[2] *Id., ib.* So I understand the phrase *externum et simulatum opus imperare.*

[3] *Ibid.*, col. 373.

agree and sometimes disagree with the will. That is, the will stands between the two portions of the mind, intellect and sensibility, and though subject to influences from both, standing under the law of the intellect and itself having rightful authority over the feelings, it acts now in one way, and now in another, having that power to act "thus or otherwise" (*sic aut aliter*) which Melancthon has denominated freedom.

We should pause here long enough to notice that although Melancthon did not come to a clear division of the mind into its three fundamental faculties, a step in the progress of psychology which it was left for our own century and country to make, there was a substantial threefold division of the mind here, which afforded the scientific basis for the affirmation of the freedom of the will. It gave, on the one hand, the opportunity for a better theology, and was itself, on the other, the product of a deeper insight into theological truth. For, though the progress of Melancthon's opinions is closely connected with psychological speculations, the moving power in it was the necessities of theology.

(2) *The Modifications in the Doctrine of Predestination.*

The doctrine of predestination is the first theological doctrine to undergo modification. The Augsburg Confession marks a change in theological tone by the omission of this doctrine from the list of positive truths held by the Protestants. The Melancthon who could omit predestination from the great fundamental confession of Protestantism is not the Melancthon who had formerly put it at the very head of his theological system.[1]

The various editions of the *Loci* let us somewhat into the secret of this change. Nor need we seek to distinguish carefully the arrangement of the different editions, since their chronological order is not a matter of great significance. Melancthon had evidently felt the pressure of those considerations which in all ages have been urged against extreme forms of the doctrine of predestination. The the-

[1] *Corp. Ref.*, vol. xxi., col. 89.

ology of Luther delighted to call God the author of every thing good in the redeemed sinner, but, by parity of reasoning, he must be the author of evil in the persistent sinner, and this was an abhorrent thought. The words of Scripture declaring that God desires all men to be saved,[1] and the impossibility of contradictory wills in God, or of the distinction between his secret and revealed wills;[2] the impossibility of prayer, if all things are predetermined;[3] the likeness of the doctrine of predestination to the Stoic doctrine of fate,[4] with its destructive effect upon morals;[5] and the discouragement that must settle down upon the sinner if he feels that nothing calculated to procure his salvation is in any sense in his own power,[6] were among the thoughts which, more or less properly, moved him to successive modifications of his theory.

The first of these modifications occurs in the notes of Bugenhagen (1533). A new section is prefixed to that upon the freedom of the will, entitled, "Concerning the Cause of Evil and Contingence."[7] The underlying purpose of the section is to deny that God is the author of sin. But, if he is not, how can any other supposition be reconciled with the creation and government of the universe by God? Here Melancthon falls back upon the limitation of finite knowledge, and declares that these subjects are secrets and are hid from our sight. We must therefore simply hold to the two great truths which the Scriptures have revealed, (1) that God does preserve all things, and (2) that the cause of sin is the will of the Devil or of man. Hence there are contingent events.

But is there no explanation of the possibility of contingent events in a world governed by God? The cause of such events, says Melancthon, is our freedom,[8] which is a matter of consciousness,[9] and is a fundamental element of human nature. We should note here the effect upon the

[1] *Ibid.*, coll. 271, 272. [3] *Ibid.*, col. 650. [5] *Ibid.*, coll. 372, 650.
[2] *Ibid.*, col. 659. [4] *Ibid.*, col. 372. [6] *Ibid.*, col. 649. [7] *Ibid.*, col. 271.
[8] "*Est autem libertas voluntatis causa contingentiæ actionum.*"
[9] So I am compelled to understand the expression: "*Hæc ratio* [*i. e.* reasoning] *de causa peccati satis illustris est.*" *Ibid.*, col. 273.

argument of Melancthon's new psychology. God has created us with these natures, and has accordingly made a place for freedom in the economy of the universe. His foreknowledge and decree embrace our freedom and all the contingent actions that flow from it. "He foresees contingent events and determines them as they are (*qualia sunt*). . . . He determines contingency, and yet in such a way as not to destroy liberty." [1] To be sure, this is a contradiction in terms, but "since the creation can be understood by no creature, these things, viz., how liberty remains while God yet determines contingent events, cannot be sufficiently comprehended." I know no expression in the history of theology comparable to this for boldness except Emmons's: "God creates our volitions and creates them free."

But the mind of man cannot ordinarily remain in the attitude to which Melancthon had now come. Two contradictory truths must be in some way modified so that, in the interval which shall be left between them, space may be afforded for the existence, even if it be not clearly comprehended, of some possible reconciling truth. Melancthon was accordingly driven to further modifications of the doctrine of predestination. The edition of two years later (1535) marks some progress. We read: God "determines actions as they are performed. He permits the will of Saul to act in a certain way, and does not impel it to act otherwise; and decrees where he will restrain Saul." [2] We have a hint here that Melancthon's mind is working towards the doctrine of an overruling providence.

But while he is thus retaining the doctrine of predestination, and yet slackening his hold upon it, Melancthon wishes to prevent it, if possible, from being of injury to the weak and timid. We find, therefore, added to this form of the *Loci* a section upon predestination in which he urges that no one is to try to penetrate the secrets of God, and to despair of salvation, lest, perchance, he may not be in the number of the elect. All are, rather, to begin with the promises of God, to be sure they are applicable to all men,

[1] *Ibid.*, col. 274. [2] *Ibid.*, col. 372.

and to seek to gain a knowledge of their election from the presence of faith in themselves. "We ought to begin with the word. And when we apprehend the word, God, at the same time, works through the word." [1]

The last stage of Melancthon's changes as to the doctrine of predestination is reached in the edition of the *Loci* which appeared in the year 1543. He still holds to the idea that God determines contingent events, but this is done in a variety of ways. If he determines directly the things which he wishes, he determines the things which are contrary to his will in a different manner. His determinations respecting his own actions are different from those as to things which are done partly by himself and partly by the human will.[2] Following out the line of suggestion he had received from the example of Saul, Melancthon notes that God foresees the crimes of Saul, but does not will them, nor impel Saul's will thereto, but permits his will to move in such a way, and does not impel it to move otherwise, and meantime decrees where he will restrain Saul. Thus his foresight of events does not destroy human liberty. This is, at most, indirect predestination, and it would seem that it was Melancthon's purpose to remove even that. He considers, also, the relation of preservation to free will, but only contrives to say that they coexist. A somewhat long discussion of providence follows, the upshot of which is that God has put limits to the activity of man in his own weakness and ignorance, in the forces of nature, and in other men about him, so that the actions of men are wrought into the divine plan, and their freedom is thus determined in its expression, though it exists intact within their own natures.[3] The deep question which Luther had attempted to include in this discussion, viz., how the wills of men come to determine thus and thus, Melancthon seems to think cannot be answered; since, to say that there is any assignable reason for the action of the will, is to destroy its contingence, and thus its freedom. Calvin returned to the position of Luther as to the propriety and necessity of this question.

[1] *Ibid.*, col. 452. [2] *Ibid.*, col. 647. [3] *Ibid.*, col. 648.

(3) *Rise and Development of the so-called "Synergism."*

Side by side with this progress in Melancthon's opinions as to predestination has gone a change in his view as to the ability of man. In the earliest form of his doctrine there was, of course, no liberty; hence every good act was immediately effected by God, and the whole question as to how far the liberty of man might reach, was vain. But with reflection came new views. In the lectures of 1533, inability to obey the law of God without special grace is still stoutly maintained, but it is grounded in the nature of the law which requires "perfect obedience," "true knowledge of God, true fear, true confidence, true love of God."[1] In view of the magnitude of our sin and the viciosity of our nature, such obedience is an impossibility. "If our nature were intact, and, being without sin, had a certain and clear knowledge of God, it would have no doubts as to the purpose of God, would exercise true love, . . . and render perfect obedience." But this is far from being the state of the case.

We should notice here how the necessity of light and knowledge to true obedience enters into the doctrine. In tracing Melancthon's progress in three parallel lines, we have returned upon our course, and stand again at that stage of his history where he connected the will intimately with the intellect. Hence, if the judgment had knowledge of God, the will, which obeys the right judgment, would have the ability to render the commanded obedience. This is the first token of the entrance of the new psychological ideas among the intellectual forces at work, and still no thorough-going revolution is effected by them, for the old explanation of the inability of man retains its place, and the chief emphasis is laid upon the power of sin in the soul, as heretofore.[2]

The working of the new ideas is seen more clearly in the place which is made for liberty in performing the external works of the law.[3] The Scriptures require magistrates to

[1] *Ibid.*, col. 274.

[2] Note particularly the paragaph "*Primum igitur*," col. 277.

[3] *Ibid.*, col. 278 *f.*

enforce the laws, and this certainly involves their ability to do it![1] Man has power to render obedience to civil laws, but this does not make him just before God, for which there is required a disposition of heart, which is never present without the Spirit of God. So much Melancthon has come to see in 1533. When he published his *Loci* again in 1535, he was ready to advance further. Now there is not only an ability to perform the external works of the law without renovation by the Spirit, but these have a connection with the rise of Christian faith. "The law is a schoolmaster."[2] Obedience to the outward law is the path to faith and hearty obedience to the spiritual law of God. This is a certain degree of ability; and yet this outward ability is so subdued by the disease of sin with which men are afflicted, that they frequently obey their depraved desires and not their judgments, even in this realm of external morality, and so "see and approve the better, but follow the worse." And when the requirements of the law of God are considered, the true fear, confidence, love, etc., prescribed by it, it is evident that man without the Spirit of God is not able to fulfil them.[3]

Melancthon now passes rather abruptly to the case of those who may have been repelled and deterred from seeking to obey God by the thought of their inability. He has been considering up to this point the powers of the natural man, but now transfers himself to the consideration of the man already actuated by true desire to obey God, whose conscience, already awakened, may be ensnared. He was often understood to be still speaking of the natural man, and so his further explanations led to great confusion as to his theology, and to the rise of the "Synergistic Controversy," for it is at this point that his "synergism" is introduced. He himself subsequently declared that he referred here[4] to

[1] This is a near approach to the principle that responsibility involves ability, but not exactly the principle itself. The position is rather that Scripture testifies to both facts, the responsibility and the ability. There is, strictly, no logical reasoning from one point to the other.

[2] *Corp. Ref.*, xxi., col. 374. [3] *Ibid.*, col. 375.

[4] See Herrlinger, p. 92. The reference is here especially to the passage at the bottom of col. 659, in respect to which Melancthon said that he meant by the "promise" which men hear, the promise as impressed by the Holy Spirit. But for our present purpose, the remark holds equally true of the earlier discussion.

the man in whose heart the Holy Spirit was already operative, and it is evident upon a careful examination of the passage, that this is the only consistent interpretation of it. He speaks of a man in "true struggle, when he is anxious concerning his sins."[1] This is the man already under the hand of the Spirit of God. Such a man is to look to the promise, to contend with his weakness, to listen to the word of God; and then the Spirit effects its work through the word, comes to his assistance, and gives him salvation. Thus "in this example, we see these causes conjoined, the word, the Holy Spirit, and the will not indeed inactive, but contending against its infirmity." It is the co-operation of these three causes which was interpreted as the "synergism" of Melancthon.

The purpose of Melancthon is perfectly plain. He himself puts the whole doctrine in the following sentence: "God prevents (*antevertit*) us, calls, moves, assists; but we have to see (*viderimus*) that we do not oppose."[2] He adopts also the language of Chrysostom: *ὁ δὲ ἕλκων, τὸν βουλόμενον ἕλκει*,—"He that draws, draws him who is willing." The Spirit of God begins the whole movement towards salvation, but he operates upon no passive subject. He does not miraculously make a man morally that which he is not, by an act of sovereign power. He operates through the will persuasively, and when the man is drawn, it is through the exercise of that liberty which he has previously exercised only in sinful ways. For this opinion Melancthon, conscious of its apparent variation from Luther's theology, now grown traditional in the new churches, seeks to defend himself, and claims the authority of Augustine;[3] and it is pure Augustinianism.

Thus Melancthon encouraged the awakened, struggling man towards whom his sympathetic interest had been excited by his pastoral sense of the needs of the soul. But he has a word also for the unrenewed. He had spoken of obedience to the external demands of the law as preparatory for the gospel, of the law as a schoolmaster to bring us unto Christ. He now explains his meaning here. It is that

[1] *Corp. Ref.*, xxi., col. 376. [2] *Ibid.*, col. 376. [3] *Ibid.*, col. 377.

through the external obedience to the law of God the opportunity is afforded for instruction in the word of God, "and, because God operates through the word, by these exercises many are called unto true piety."[1]

In the last edition of the *Loci* (1543), substantially the same position is taken. Somewhat more emphasis is put upon the importance of the "civil righteousness," for it is declared to be a necessary thing, not only because we thereby learn of Christ, but because the Spirit does not operate in the contumacious who persevere in crimes contrary to their consciences. We see thus more clearly the motive of his statements upon this point, which was to establish a line connecting the natural man with the Spirit of God, or to exhibit the point of contact where the work of the Spirit could be begun. A certain degree of obscurity is introduced by a careless remark as to the explanation why certain men are saved and others not. Melancthon says: "Since the promise is universal and there are no contradictory wills in God, it is necessary that there should be in us some differentiating cause why Saul is rejected and David received, that is, it is necessary that there should be some action dissimilar in the two." This has every appearance of being intended to put the human will upon a level with the divine in conversion, thus constituting a "synergism"; and it was so understood. And yet the whole context shows that the idea was really no other than that which has already been explained.

We have thus arrived at the close of Melancthon's theological development in this department. The synergistic controversy which soon broke out (more formally after the year 1555) taught Melancthon that his expressions were easily liable to misunderstanding, and he retreated somewhat in his forms of statement from the last edition of the Latin *Loci*. The control of the will over the affections seems to be surrendered in the German *Loci;* the "discipline" itself, or the performance of civil righteousness, is styled a work of God; the necessity of the divine initiative is more emphasized; and some other lesser changes are made.[2] But

[1] *Ibidem.* [2] For details, see Herrlinger, pp. 96–107.

these are modifications of expression, or of comparatively insignificant details, not of the substance of the doctrine. Melancthon spoke really his last word in the *Loci* of 1543; and that, summarized by himself, was: "*Præcedente gratia, comitante voluntate, bona opera fieri.*"

Thus Melancthon ends with the doctrine of the material bondage of the will, and thus, no longer under the control of the overpowering influence of Luther, but upon free, careful, scientific, and prolonged investigation, arrives at the conclusion which Luther had passionately and fiercely, even roughly and tumultuously maintained, with confused thought and language, despising philosophy and all the reasonings of men, and yet with a deep religious instinct which led him right in the religious sphere, however unfortunate his neglect or rejection of other kinds of truth may have been. The light which gleamed for an instant on the mind of Luther when he said that a forced will was a *Noluntas*, Melancthon receives and reflects in a steady beam, illuminating the darkness of the subject, and revealing in an admirable manner for that day the fact and the methods of human freedom.

In the light of the present condition of theological science, it will, no doubt, be thought by most present that Melancthon's type of doctrine, however fundamentally harmonious with Luther's, presents at several points a decided improvement upon it. The absorption of all agency in that of God is not a solution of the difficulties of the subject. At two points in particular Melancthon improved the doctrine, and though he did not see his views largely adopted, nor exert any influence which can be historically traced, in the reappearance of the same ideas, when they did later reappear, he indicated thereby the lines in which improvement in this doctrine is to be made. These were by suggesting an improved view, substantially correct, of the faculties of the human mind and their mutual relations, and by teaching the ethical and supernatural, in distinction from the mechanical and miraculous, method of the operation of the Spirit of God upon the heart. These improvements exhibit the greatness of Melancthon's mind, and may teach many a lesson to the careful student of history.

But Melancthon's great service to his contemporaries and to us lies in the fact that with all his speculations and variations he held fast to the practical necessity of the divine initiative in conversion. He thus anchored Lutheran orthodoxy for the succeeding century upon this fundamental truth, and formed also another witness in the long series whose testimony has confirmed the scriptural character of this doctrine. Augustine, Luther, Melancthon, Calvin, both Arminian and Calvinist opponents of the Socinians, the Wesleyans of England, and whatever other great body of Christians there have been who have entered into a genuine investigation of this theme and have held fast to the authority of the Scriptures, have, after the fullest and freest discussion, abode by this doctrine. And thus it has attained finally such evidence as history can afford that it is in fact the doctrine taught by the word of God.

SOME NOTES ON SYNCRETISM

IN THE

CHRISTIAN THEOLOGY OF THE SECOND AND THIRD CENTURIES.

SOME NOTES ON SYNCRETISM IN THE CHRISTIAN THEOLOGY OF THE SECOND AND THIRD CENTURIES.

By Rev. HUGH McDONALD SCOTT, D.D.
Professor of Ecclesiastical History in Chicago Theological Seminary.

Every student of Church History is familiar with the great difficulty that attends the investigation of the progress of doctrine in the period between the Apostolic Age and the Nicene Controversy. Confused visions of Ebionites, Gnostics, Monarchians, Modalists, Montanists, etc., rise before the mind, and the bewildered student heaves many a sigh as he longs for some principle of faith or organization or theology which might serve as a guiding thread through this labyrinth.

Accepting the New-Testament Canon as an authoritative collection of writings, setting forth the belief of the Apostolic Church, we receive from the hand of the New-Testament scholar a historic development of the doctrines therein contained, and might naturally hope to be able to begin our History of Doctrine where New-Testament Theology, chronologically and genetically set forth, ended. But such does not seem to be the case. The last words of the New Testament and the first words of the post-Apostolic Church do not form parts of an unbroken unity. The Protestant historian, returning to the sources of Christianity, finds the article of a standing or falling church in justification by faith and the life of loving obedience from it. The great Apostle of this doctrine was Paul.[1] He was the

[1] His teachings were a true development of those of Jesus. He claimed that *his* Gospel was that of Christ, and the twelve must have recognized it as such. Christ preached a *universal Gospel* in germ. Hermas, James, etc., built upon the words of Jesus. Jewish Apocalyptic thought looked in this same direction.

messenger to the Gentiles. He planted the churches in Ephesus, Thessalonica, Corinth, and did much to build up that in Rome. Hence we naturally suppose that the Jewish Churches, under the more conservative teachings of James and Peter, might not at once enter into the fulness and freedom of this great Protestant doctrine; but the Gentile Churches, taught by Paul, visited by his disciples, Timothy, Titus, Luke, etc., having his wonderful Epistles to the Romans, to the Galatians, to the Corinthians, surely they were from the outset Pauline in theology, and continued to develop the doctrines of the great Apostle to the Gentiles. It is a great disappointment to the Church Historian to find that this is not so.[1] If we enter a church in Alexandria, or Smyrna, or Antioch, about the year 120 or 130, the minister will not be found preaching the Gospel of Paul. He either never learned it, or he has forgotten it. Here and there he will say something that reminds us of salvation by faith, and the liberty from law enjoyed by Christians; but the full current of his teaching runs in the channel of the original twelve Apostles, or towards a moralistic and legal apprehension of Christianity. In a word, we cannot set out in our doctrinal history of the Early Church from Paulinism. That is a great disappointment. We are thrown loose; we must find a starting-point as best we may; no great landmark arises, from which we can set out to penetrate the tangled jungle of thought that grew so rich and rank in the post-Apostolic century.

The Literature of the second and third centuries all drifts away from what we would call Evangelical theology. The three classes into which we may group early Christian writers: (1) the Apostolic Fathers, (2) the Apologists, including Irenæus and Tertullian, and (3) the Alexandrian theologians, all make prominent a practical Christianity, and a philosophical Christianity, which strikes one as strange

[1] It ought to be noticed that the influx of Moralism had some connection with Paul himself, who in his later Epistles—the Pastoral Epistles—where he had to notice other errors, did not keep his theology of justification by faith so much in the foreground (Luthardt).

when compared with Pauline teachings as seen in Luther or the Puritan divines.

Clement of Rome speaks of "justification," not by works, but by faith (c. 32); yet it is a general "faith through which, from the beginning, Almighty God has justified all men"; and he at once passes on to connect works and salvation in a way that ignores faith (cc. 33, 34). Abraham's faith is called a fruit of his works. Paul's view is not understood by this good bishop of Rome, A.D. 96. He sums up Paul's work as *δικαιοσύνην διδάξας ὅλον τὸν κόσμον* (c. 5).

The Epistle of Barnabas is so anti-Jewish, that it cuts the doctrinal and historic bond between the Old and the New Testaments, in a very un-Pauline way. Here, as in Clement, the teaching of Paul is echoed, but far from the point of view of predestination and forensic justification. Faith is a general confidence in God (esp. Clement).

The *Διδαχή* represents the Gospel as a revelation of Moral Law.

Polycarp speaks of the "glorious Paul" whose Epistle should build up the Philippians in the faith that had been given them; but, like the other Apostolic Fathers, he does not speak of justification by faith, or point to peace as its fruit, and a holy life as an obedience of gratitude and love.

Hermas sums up religion as "to believe that there is one God, who made all things; therefore believe and fear Him, and fearing practise self-control." The constant injunction is "Work righteousness." He knows nothing apparently of Paul.

Ignatius, in his Epistle to the Trallians (c. 5), says he would not write of heavenly things, or mysterious things, lest he should injure his readers who were "but babes" in Christ.

Doubtless the simple, practical faith and life of the Early Church, the lack of educated clergy, as an order, the impulsive, impromptu, inspired utterances of the prophets and teachers and evangelists, helped to bring into prominence moral teachings and works of sanctification, rather than the doctrines of justification, predestination, and God's covenant of grace, which underlie a pure life.

The fact also that we glean our knowledge of doctrines, in the case of the Apostolic Fathers, from writings intended to edify the Christian brotherhood, and in the case of the early Apologists, from writings composed for heathen readers, helps us to see how teaching of morality and Christian consistency, as well as of those great principles which Christians and heathen held more or less in common, would appear in the foreground.

But when all allowance is made for such influences, the question is not answered—How was it possible that in the middle of the second century Pauline theology, rooted as it was in the Old Testament, and setting forth in clearness and fulness the independent, universal Gospel, which Jesus came to reveal, should have well-nigh disappeared, and, except in the case of some Gnostic, like Marcion, or as hinted at in some quotation from the Apostle, the whole field of Christian thought, as found in the early literature, be occupied by a moral system of Gospel teachings?

Baur unduly magnified the differences between the Jewish and Gentile parties in the Apostolic Church. He held, further, that Pauline theology spread in the Greek Churches, as Petrine teaching occupied the Jewish Churches. And he explained the moral system of the second century, as a Johannian union of Peter's Legality and Paul's Universalism. But later investigation into the whole problem has shown pretty clearly that no such explanation is satisfactory. For one thing, Jewish Christianity never had the extent and importance which Baur ascribed to it. It is very doubtful if the Gentile Churches as a body were appreciably influenced by the Jewish Churches after the end of the first century. Besides this, no such wide diversity can be found between Petrine and Pauline Churches as this theory presupposes,[1] and the Gentile Churches never had a sharp conscious theory of such distinction between Paul and the

[1] Weizsäcker (*Das apost. Zeitalter*) points out that the Church in Rome taught Christian monotheism for *all* men, having received it from Jewish proselytes, etc. Barnabas and Apollos preached a Gospel for all men, and neither was a pupil of Paul.

original twelve. Still further, it cannot be shown that in the first century Pauline teachings, as such, ever had taken firm root among the Greek Churches, or that there grew up in them a Pauline party, or a Pauline theology, which could blend later with the supposed Petrine Jewish party to give rise to the Early Catholic, moralistic Church. Pauline preaching was, of course, not utterly without effect. It doubtless helped the Gentile Churches to break away from Judaizing tendencies; it led them to lay little stress on the narrow and national views of the Messiah and his second coming, which were so prominent among Jewish believers; and, especially, it gave the Gentile Christians a full belief in the Gospel as God's message of love and goodness to all men, Jew and Greek alike. Circumcision, and the literal meaning of the Mosaic law were rejected by Gentile believers, but the influence of Paul helped keep the Old Testament as God's Revelation in high honor in the Gentile Churches, and led Christians to claim it and interpret it entirely for themselves.

Here then we are called upon to seek some explanation of this early and rapid spread of a moralistic view of Christianity throughout the Early Church.

How does it come that the Apostolic Fathers, the *Διδαχή* and such books, which express the apprehension that Church teachers of the early part of the second century had of Christian doctrine and life, fall so far below the plane of teaching occupied by the great Apostle? The simplest explanation seems to be that the Gentile converts never obtained a full and clear view of the scheme of salvation as set forth by Paul. They found in his broader presentation of the Gospel, in opposition to Jewish narrowness, liberal ideas, some of them colored more or less by Hellenic thought; they met both a system of salvation by grace, and strong teaching respecting moral life and virtue, a law of holiness equally binding upon Jew and Gentile. The one circle of thought, that of sin in man and grace in God, was strange to the Greek mind; the other, that of a life of virtue, obedience to God as a reasonable service, was very familiar;

hence we can readily see how the general framework of the Gospel might be received by Gentile believers, but the contents of it be made to consist largely of moral ideas, and the life *κατ' ὀρθὸν λόγον*. These Gentile Christians could not at first easily get hold of Apostolic doctrines. Faith, total depravity, regeneration, the Holy Ghost, conversion, justification, predestination—all these were strange things to Greek ears, more strange in some respects than Jesus and the resurrection. The Gentile world of religion was built upon the fundamental idea, that man's relation to God was determined by his moral actions; and this thought the Gentile Christians could not easily give up or overcome. They could not realize the idea, that through faith we know God and his free grace, and frame their lives accordingly, so that they should obey God through gratitude and love. The nearest they got to the thought of Paul seemed to be in the idea of the new spiritual life being loving obedience to moral order. Even in speaking of the sacrifice of Christ, the thought of vicarious atonement is not fully grasped. In the Epistle of Barnabas, the idea of sacrifice common among the heathen seems unconsciously applied to the death of Christ. It was a general offering for man's redemption; it was made a part of general worship, something appointed by God, through which salvation came. What the writer makes prominent, as the thing to be striven after, is not faith in the Saviour, who gave himself for us, but *ἡ γνῶσις* (c. vi., 15), whereby the Scriptures are understood.

Christ died "that we might be sanctified through the remission of sins, which is effected by his blood of sprinkling" (c. v.). What then should we feel? The answer is: We ought to be grateful to the Lord because he has given us knowledge and wisdom and understanding in regard to things past, present, and future!

Respecting sins committed after baptism, Behm says:[1] "None of the Apostolic Fathers can find in the death of the Lord an objective saving basis upon which to rest forgiveness of sins."

[1] *Ztft. f. Kirchl. Wissen. u. k. Leben.* 1886. H. 6.

Some of these early Christian thinkers, like the writer of the Epistle of Barnabas, were strongly anti-Jewish, and hence their study of the Bible would be undertaken with Christian presuppositions, which would unfit them for understanding the Gospel as a fulfilment of the Law and the Prophets. Besides this anti-Jewish element in the study of the Scriptures in the Primitive Church, there is the further fact to be considered, that a large proportion of Gentile Christians approached the Gospel through the influence of the Greek-speaking Jews, the Hellenistic Synagogues, and their teachers. Here many of the peculiarities of Old-Testament teachings, such as sacrifices, priesthood, Messianic prophecies and expectations, all the atmosphere of Old Testament thought and tradition, in which Paul lived and wrote, would be lacking in the Gentile believer's study of the Old Testament; while, on the other hand, he would receive from this Jewish Hellenism a philosophical and ethical view of religion, clothed in Scripture language, which would be an obstacle to a proper historic apprehension of Pauline theology. A little later, when the Gnostics appeared and highly praised the doctrines of Paul, it is almost certain the orthodox church was led by such heretical admiration to neglect still further the more Pauline teaching.

So it seems quite possible that this moralistic apprehension of the Gospel, which we find prevailing in the Gentile Churches of the first half of the second century, might have arisen naturally in the world of Greek heathen thought. This is the view essentially of Ritschl, and has been elaborated at great length by Harnack in his recent *Dogmengeschichte*. And yet it is not unlikely that Jewish legalism, the legalism of Judaism and of Jewish Christianity, also exercised some influence in giving rise to this moral view of the Gospel. Harnack says: "There is every reason to believe that Christian congregations, free from the law, were formed in the Empire out of societies of Jewish proselytes, without ever first considering the question that had been discussed by Paul and his opponents." Such men were free from the law from the outset, and yet might well feel the influence of

denationalized Jewish legalism. They entered upon their Christian life with the moralistic theories which they had learned among liberal Jews. Of course here, too, there was a strong Greek coloring in the thought.

Besides these, there were congregations of more conservative Jewish Christians, who exercised some influence,—those who were connected more or less closely with the Ebionites and Nazarenes.

The fact is that towards the middle of the second century there was a great number of little sects of Christians, of all shades of thought, from ultra-Jewish Christians to extreme Gnostic, Gentile Christians. Round about the "great Church" Celsus, a heathen, knew of some who accepted the Jewish God, some who did not; there were "psychics," and "pneumatics," and "Gnostics," and "Sibyllists," and "Simonians," and "Helenians," and "Marcellians," and "Harpocratians," and followers of Mariamne, and Martha, and "Marcion," etc. The test question among them all, however, was whether they accepted the God of the Jews or not. The great mass of the Christians did so, in contrast to the Gnostics, who made Jehovah but the Demiurge. The Church was drawn by what was particular and national, and traditional in Judaism, so far as local circumstances or other influences allowed such attraction to work, but on the other hand there was the whole world of Greek thought, which not only embraced the Gentiles themselves, but had penetrated through and through the Jews of the Dispersion; hence we cannot but feel that, as soon as the creed of the primitive Church began to seek a theological and definite form, it would be found taking the stamp of Hellenic thought. The drift of things can be seen even in the New Testament itself. The Gospel moved from Jerusalem to Samaria, then to the isles of the sea. It was preached first by Palestinean Jews; but very soon Greek Jews, like Stephen, Nicholas, Philip, Apollos, came to the front. Peter, with reluctance, is led to baptize a proselyte. Philip preached to the Samaritans, a proselyte nation. Then Paul appears at Antioch, and the Gospel passes to the Gentiles.

Whatever influence the conservative Jewish Church was to exercise henceforth upon the Gentile Churches, was more in the way of respect for age, gratitude for benefits, and attachment to customs, than in a moulding power over life and doctrines.

How wide that influence extended we cannot tell. The writings of Jewish Christians after the Apostles (Hegesippus, etc.) have disappeared. The Jewish Churches themselves disappeared. The Church that survived was preponderatingly Gentile, and its doctrinal forms took shape uninfluenced by Jewish theologians. The Bible contains no creed. The Jewish Church in post-Apostolic days, so far as we know, formulated no articles of faith. So our history of doctrine must really begin in the world of Greek thought and life.

If we were to go to the New Testament for points of departure for the creeds and theology of the Early Church, we might find them hinted at in two passages. (1) Matt. xxviii., 19: "Go ye, therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost." That is the germ of all the creeds—Apostolic, Nicene, Athanasian; all later symbols are but a theologizing and philosophizing, in opposition to heresies, of this simple, primitive Rule of Faith. (2) The other passage—Matt. xvi., 15: "Whom say ye that I am? And Simon Peter answered and said, Thou art Christ, the Son of the living God," is in some sense the starting-point of the history of doctrine, the central question in all apologetics. Christology is the one theme that occupies well-nigh all the History of Doctrine in the second and third centuries.

At first, however, neither Christology nor the Trinity had become a subject of theological definition. The Apostolic Church was not reflective and analytical, but impulsive, and full of the idea of the immediate presence of the Divine Spirit. It had a simple Rule of Faith, but it had no dogmatic creed. The common belief of Christians rested on oral tradition from Christ and his Apostles and their companions (*cf.* Papias). But when the memory of the living

Word became weak, then arose a *Regula Fidei*, such as we meet with in Irenæus and Tertullian.[1] The earliest forms of such a Rule were a few simple statements, a rudimentary outline of the Apostles' Creed. Caspari has shown that this earliest symbol was connected with the Church in Rome, but, as was natural, was written in Greek. It goes back to the beginning of the second century, and ran then as follows:

"I believe in God Almighty.

"And in Christ Jesus, his only begotten Son, our Lord, begotten of the Holy Ghost and Mary the Virgin, crucified under Pontius Pilate, and buried, and the third day risen from the dead, ascended into the heavens, and seated at the right hand of the Father, whence he comes to judge living and dead.

"And in the Holy Ghost, a holy Church, forgiveness of sins, resurrection of [the] flesh, life everlasting."

We cannot think of a more simple putting together of the fundamental facts of Christian belief than appears in this creed. There is no reference to tendencies or heresies, no attempt to explain the reasons of the facts stated. That was the simple baptismal confession of the primitive, charismatic churches; and such a belief was rigid enough for their energetic, impulsive life. This brief Rule of Faith expressed the belief of the Christian, and could be used as a basis for the instruction of catechumens, referred to as early as Justin Martyr (c. 150).

With this plain statement of faith, with no fixed Church organization, with no systematic ministry of the Word, with no New-Testament Canon, the post-Apostolic Church moved out from its early associations with Judea to make its home in the vast organization of the Roman Empire, in the all-pervading atmosphere of Greek thought, and to face the fierce and destructive attacks of persecution and criticism from without, and heretical opposition from within. The thought of the Church must now find expression in a way, not only to satisfy the devotion of believing hearts, but to ward off the fiery darts of theological adversaries.

[1] And, as Caspari thinks, also in Clement of Alexandria.

With the appearance of the Apologists a turning-point is reached in the history of Christian thought.

In the period of the simple, enthusiastic Church, we meet with writers, who are plain pastors, like Clement of Rome, Ignatius, Polycarp. They write practical Epistles to edify and comfort the Churches. They have no theological system, and a very rudimentary rule of faith. Their Bible is preëminently the Old Testament. Their Gospel is obedience to God for Christ's sake. They are not sure whether Jesus was the born or the adopted Son of God. They do not know what to call the Holy Spirit. As for philosophy and science, they hold aloof from them. Their writings form a sort of uninspired appendix to the New Testament, being of the same general character, and echoing here and there Pauline teachings.[1]

With the appearance of the Christian Apologists all this was changed. These men were all converted philosophers, Greeks, who had gone through the Schools of Plato, Zeno, Aristotle, through the strange blending of all Schools, which was then characteristic of the world of thought. They came from Athens, Ephesus, Alexandria, centres of Hellenic thought; their names are familiar—Quadratus, Aristides, Justin Martyr, Athenagoras, Melito, Clement; and their work was to introduce a literature, after the forms of the world, into the service of the Church. They addressed themselves not to Christians, but to heathen, to educated heathen; hence it was their aim to dwell not upon those things in which Christianity differed from pagan thought, but to make prominent the great truths and virtues taught both by preachers of the Gospel and heathen philosophers. At the same time the transition from the simple Rule of Faith to theological dogmas, seems to take place step by step, just about as we pass from the edifying letters of the Apostolic Fathers to the polemic writings of the Apologists.

Aristides of Athens, who wrote the first Apology, sought to defend Christianity as true philosophy, in so far as its doc-

[1] Even inspiration seems claimed. *Cf.* Barnabas, c. 10; so Ignatius, *Phil.*, c. 7.

trines are rational, and give an answer to the questions which have occupied all true philosophers; but they are not philosophy, inasmuch as they spring from Revelation, and have a divine origin, which supports them as true and certain.

So Athenagoras, "the Christian philosopher of Athens," taught that the truly reasonable is in its origin supernatural. He and Tatian, however, opposed pagan philosophy; but still they held that Christianity was philosophy, and by it man reached true knowledge by means of the Logos, revealed through the prophets.

With Justin Martyr we enter into the full current of philosophic thought, moving through the Christian Bible and touching its facts and the Simple Rule of Faith of the Churches with the stimulating influences of Hellenism.

But before noticing the Apologists, from Justin to Origen, more closely, we must turn, for a little, to the system of Greek thought from which early Christian theology was so colored, by means of these converted philosophers.

The philosophy of the second century was chiefly Platonic, mixed with Stoicism and influenced also by Aristotle and others. It was a mixture, more or less, of all the Schools —Platonism, in its later form, leading, supplemented in its theology by Aristotelic thought, and, in the field of ethics, being largely supplanted by Stoicism. A peculiar feature of this eclectic system of Greek thought, known as Hellenism, was its strong religious character. It put ethical questions in the foreground; it even tended towards prophecy and revelation; it was zealous for the national faith; and it strove to reach some meeting-place where the supreme God of nature, philosophy, and revelation, and all the deities of all the nations could dwell in happy harmony.

The central problem in much of the philosophy of those days was how to reconcile religion and culture, revelation and science.

We may notice how such reconciliation was sought by briefly glancing at the new treatment of (1) the Sacred Writings, (2) God, (3) the Logos of God.

(1) Very early Greek thinkers had to face the problem of

explaining Homer and Hesiod so as to harmonize the sacred mythology with philosophy. The method employed was allegory. Plato speaks of allegorical expounders of Homer, such as Theagenes of Rhegium and Metrodorus of Lampsacus. They taught a double meaning in these ancient books, a literal, and a scientific or philosophical. In later times, the Stoics were active in thus explaining Homer, reconciling philosophy with the *κοιναὶ ἔννοιαι* of the people. Hence there arose the *θεραπεία μύθων*, by which the absurdity of Apollo's punishing the Greeks more than Agamemnon, the cause of the evil, and similar absurdities, could be explained. Such hidden meanings belonged to the nature of sacred poetry, it was said (Plutarch). And so there could arise a science of allegorical exegesis, with its rules ; *e.g.*, etymology of names of persons, puns, etc. ; and this science could be applied in general, to reach either (1) a physical or (2) an ethical explanation. So these wise men set themselves to read the philosophy of Thales and Zeno and Aristotle into Homer. Thus philosophy saved the sacred books from the hands of sceptical critics, and gave them back to the believing people.

Now, when the Jews in the Diaspora became thoroughly saturated with this same Hellenistic thought, and found the writings of Moses attacked as those of Homer had been, it was most natural that they should defend their Scriptures in the same way. It was a matter of life and death for them to save the Bible.

How the current ran in this direction can be seen in the Septuagint, as in the removal of anthropomorphisms in speaking of God ; the Old Testament Apocrypha echo Stoical teachings ; then came a further step, and Aristobulus (B.C. 170) set himself not only to show that the philosophy of Aristotle was all drawn from the Old Testament, but, further, that all the wisdom of Homer and Hesiod, with all the science and philosophy drawn from them by Greek allegorical expositors, came also from the Jewish Bible. The method which he used in reaching this result was the allegory of the Stoical commentators of Homer. So in the century before

Christ a twofold sense was found in the Old Testament, the literal, teaching about the history of Israel, the spiritual, teaching the Greek philosophy, which the Greek Jews put back into the Bible as its original source. The Old Testament Scriptures were here thoroughly denationalized in their teaching.

Next came the Christians, converted philosophers, to face the same problem, of reconciling both the Old and New Testaments with the universal Greek thought of their time. And they did just what the Greeks and Jews had done before them; they, too, adopted the theory of a double meaning in the Scriptures; and through this second sense, from Justin to Origen, they poured into the mind of the Church Greek philosophy, as a revelation from God.

They, too, declared that all the wisdom of the Greeks came from the Bible of the Christians, and should be recognized and brought home again. Origen even held to a triple sense in the Scriptures, whereby all the supposed truth of philosophy might be brought into theology through texts of the Bible.

(2) Turning to the doctrine of God, set forth by the philosophers and adopted essentially by the Jewish Hellenists, we find the fullest account of this new theology in Philo. He recoiled from materialism so far that he made the loving God of the Bible "the Eternal Negation of Dialectics" (Bigg).[1] He did not fall, however, into utter Pantheism. Following Plato, he separated God and matter so far that he taught creation took place by intermediate beings or powers. These he called angels; or, speaking philosophically, he termed them the λόγοι of the Stoics, the ideas of the Platonists, or the thoughts of God. They might also be identified with the overthrown gods of Olympus, Philo here anticipating Gnosticism and Neo-Platonism. He blends Jewish terms, such as δυνάμεις, ἀσώματοι δυνάμεις, ἄγγελοι, χάριτες, etc., and Stoic terms, such as λόγοι, λόγοι σπερματικοί, σπέρματα καὶ ῥίζαι, etc. His God was absolutely transcendental, nameless, passionless, unknowable; he was not

[1] *The Christian Platonists of Alexandria.*

creator, nor preserver, nor judge of man and the world. No real Jew would recognize in such a God the living Jehovah of his fathers.

(3) Philo found the term *Logos* current in Greek philosophy. Heracleitus had used it. But the Stoics especially employed it to designate divine reason in the universe. The λόγος σπερματικός was one of their phrases. It was the Platonic Idea of Good, the Stoic world-spirit.

(1) Applied to God Philo found the Logos to be the first of all wisdom (Prov. viii.); the Creative Idea, or Word, or Wisdom. He spoke of the λόγος ἐνδιάθετος and the λόγος προφορικός, the latter appearing at creation. He is the εἰκών and the reflection of God (*cf.* ἀπάυγασμα in Heb. i., 3); he is called θεός but not ὁ θεός; just the distinction which Origen made. St. John, i., 1: ὁ λόγος ἦν πρὸς τὸν θεὸν καὶ θεὸς ἦν ὁ λόγος, speaks similarly. He is called the Son of God, ὁ πρεσβύτατος υἱός, the πρωτόγονος.

(2) In relation to the middle powers, the *Logos* is their Sum, their creator. The Stoical *Logos*, which was pantheistic, is here made an independent middle being—a Mediator between God and the universe.

(3) In relation to the world, the *Logos* is the archetype according to which it was made (*cf.* δι οὗ ἐποίησεν, Heb. i., 2). He is the ideal from which man was created. He was the Heavenly Man.

(4) In relation to man, the *Logos* is mediator between him and God. Philo calls him the μέγας ἀρχιερεύς, the παράκλητος, or advocate before God. He partakes of both the divine and human natures, for he is the image of God, and man is the image of the *Logos*. Hence he is the Heavenly Man to represent man as a reasonable being before God. He is the Prophet of God; the Door to the knowledge of God; the "Dayspring." He calls him also Melchisedek, bringing peace and righteousness.

The *Messiah* was the highest ideal of the Jews in Palestine, the representative of God in the *theocracy*. The *Logos* of Philo became the highest ideal of the Alexandrian Jews. He was King of the world of spirits, the representative of God in the *Universe*.

The next step would naturally be to identify the Messiah and the Logos; but Philo did not take that step. He never hints that the historic, personal Messiah might have any connection with the supernal, heavenly, eternal Logos. This identification of the Messiah with all that was true in the current conceptions of the Logos is already found, however, in the writings of Paul; and the term Logos is directly introduced in the writings of John. The New Testament sees in Christ all the greatness expressed by the Logos of philosophy; it also sees in him that manifestation of God, which was for the whole universe, for all mankind; and that not only as a principle of creation and providence, but also as the personal, divine Saviour from sin.

The result of Philo's philosophic conception of God, matter, the Logos, man, and their relations, was seen also in such points as these;

(1) He taught a duality in God, Father and Son-Logos; this prepared the way for Christian thought by teaching a possible, eternal distinction in Deity. He had no place for the Holy Ghost, just as Greek philosophy had none. Plato taught a trinity of (1) God, (2) Ideas, (3) the World Spirit; but this Spirit was pantheistic, man's soul being part of it.

(2) Philo's sharp separation of God and matter led to a theology of middle beings, which was far reaching. Gnostic æons were but Platonic ideas reproduced in Egyptian religious philosophy.

(3) He could not think of the Logos as incarnate, because matter was unholy. Along this line Docetic views developed.

(4) He made religion the deliverance of the mind from the rule of sense, as Plato taught. Knowledge and right reason led to such deliverance. Here is a central doctrine of Gnosticism.

(5) There is no idea of sin as rooted in a corrupt nature. The Platonic idea is present; the trouble is the noble soul is imprisoned in a base body. Hence there is no place for forgiveness; no place for a vicarious atonement. Every man has free will to choose the life of reason, and he must be his own saviour.

(6) The distinction in God of (1) God and (2) his Powers, Logos, etc., led to a distinction in his followers of those who fed on milk and those who were strong men. This distinction reappeared in the Gnostics and Clement of Alexandria.

(7) Thus the Syncretism of Philo put a new religion, the Greek philosophy, above the faith of his fathers. True worship was worship of the *Logos;* the law was but part of this worship, above all being the spiritual worship of the Great Eternal, for which the Law was but a preparation.

Such was the influence of Greek philosophy upon that Hellenic Judaism, which was the most fertile soil for Christianity, which itself appeared in some respects as a third form of liberal Judaism. And similar influence, though with modifications, must be recognized in the early theological thought of the Church. It is highly probable that, through men like Apollos, this Hellenic culture has left its mark upon some modes of expression in the New Testament itself. Certain it is that such thought is reflected in the Septuagint, which was the Old Testament of the Early Church. And when we come to Post-Apostolic theology, there is no doubt of the presence of Greek ideas. When we set the simple Rule of Faith of the Churches side by side with the theological statements of the Apologists, we see at once how wide is the difference in their apprehension of the Gospel.

We cannot go so far as to say that all the difference between the simple Rule of Faith and the theological Creeds came from Greek philosophy, or that all that came from Greek theology was necessarily false. Certainly there is a Biblical and Christian doctrine of the Logos; there is a Scriptural Christology; there is a Scriptural teaching of the Trinity; there are doctrines of our faith which bear a definition coined by philosophy, but the substance of which comes from Revelation, and is far beyond the wisdom of the Schools of Greece.

Even in the making of creeds by philosophic theologians the common-sense of the Churches was always strong enough to keep the philosophers from leaving the broad ground of

the Gospel. Barriers against Greek thought were (1) these Rules of Faith, (2) the New-Testament Canon, (3) the rising Episcopal System considered Apostolic from A.D. 150 on.

We cannot trace in detail the influence of Greek thought upon the theological thinking of the second and third centuries; we can but indicate a few points at which the influence can be identified.

Justin Martyr sums up Christianity in (1) worship of the true God, (2) a life of virtue, and (3) belief in an eternal reward. He maintains this on the ground that Christianity is both true religion and true philosophy. It is a revealed philosophy given through the prophets, and especially through Christ, the personal λόγος. The peculiarity of revelation was found (chiefly) in its *form;* it was taken for granted that the contents of it were the truths of reason and culture. The wise man accepts these truths, follows them in a life of virtue, and receives eternal life as reward.

(1) The God of the Apologists (*cf.* Justin) is only Father of the World, a legal power. He is the God of natural theology, the πρώτη οὐσία, or, τὸ ὄν, and of philosophy. As by Philo, he is made the only true existence, nameless, etc. He is called ὁ τῶν ὅλων νόυς by Philo and Athenagoras. Clement of Alexandria makes him an abstract *unit*, μονάς, as Philo did. We can know only the Logos.

(2) The *Logos* is set forth by Justin and others essentially as by Philo.

(a) Justin speaks of the *Logos* as one with God, yet as something independent of Him. Both compare the Logos proceeding from God, as a flame from fire. Athenagoras says the Logos was the head of angels and powers.

(b) The Logos, related to the world, is λόγος προφορικός, in Theophilus as in Philo.

(c) The Logos is also in the Apologists the medium of God's manifestations. Justin makes him appear thus to Abraham, Lot, and Moses, just as Philo did.

Both Philo and Justin use the Stoic term λόγος σπερματικός, and Justin develops Philo's idea in making the

Logos a divine power working on the soul of man, and not the physical principle of the Stoics.

Like Philo, too, Justin and the other Apologists did not know how to relate the Logos and the Holy Spirit. They were frequently confounded.

Justin and Clement of Alexandria followed Philo in giving the Logos the peculiar titles of God. Clement borrows titles for the Logos from Philo, as the Name, Face, Heavenly Man, Melchisedek, etc.

Here, in this conception of the Logos, we meet a great point of contact between Biblical Christianity and Greek philosophy. The idea of the Logos as the hypostatic Reason of God, was very familiar in the Hellenic world, before Christianity appeared.

Then the Apostle John had accepted it to describe the glory of the Eternal Son incarnate. These two views continued more or less apart in their development until the second century, when the Church, in her defence against Greek thought, Gnostic heresy, and Montanistic irregularities, felt the need of expressing her faith in the language of culture and philosophy. The Christian Logos and the Hellenic Logos represented different quantities; the one a bearer of wisdom, grace, salvation from sin; the other a cosmological power, an abstract idea, a teacher of virtue. The one put the historic Jesus in the foreground, looking towards the infinite God; the other set out from the eternal idea, the Logos of God, and looked towards the earth and man afar off. Here, then, were two Logos worlds of thought, having not a few things in common, and nothing could be more natural, when the Apologists sought to unite Christianity with philosophic culture, than that they should pour into the Christian idea of the Logos the contents of the Greek Logos speculation. And this is what we find taking place from Justin to Origen. Christ becomes more and more a cold and transcendental conception, until the Jesus of the Gospels is thrust into the background. Origen does make Jesus the friend and teacher of weak believers (*C. Cel.* iii., 61), but the "Gnostic" Christian turns to the Eternal Logos, as his instructor.

Christ is not presented as the giver of faith, of new life; he is not a loving friend. Justin calls him *καινὸς νομοθέτης*. He reveals a new law, but still law, the result being that the Christian life is apprehended as *moralistic*.

(3) Christ taught men the right worship of God as Creator and Rewarder: man is able to choose the good, able to do it; and by keeping God's commands is a virtuous man. All this is based upon the Stoic view of virtue, and the Platonic idea of *αὐτεξούσιον*, which reached a climax in Origen, who taught that the souls of the lost still had power to choose God and live. For two hundred years the influence of Philo hindered the Church from getting a clear idea of atonement and the work of a Mediator.

Even Irenæus speaks of the Gospel as a *law of liberty;* and Tertullian says Jesus preached *novam legem et novam promissionem regni cœlorum.*

(4) This philosophic theology made faith but an intellectual act, the consent of the mind, for it has power to consent to any thing.[1] The grace of God, beyond that shown in baptism, is needed by the weak, but not by every man.

(5) The whole idea of Christ's atonement, so central for Paul, is overlooked. Clement of Alexandria, following Plato, taught that Christ's sufferings were corrective, therefore undesigned by God.

(6) Depravity is not beyond man's will. It does not root in man's nature. So these early theologians leave Paul for Plato, who taught that man has a pure soul dwelling in an impure body. (*Cf.* Tertull., *De Anima*, c. 41; Clem. Alex., *Str.*, II. 3.)

Sin is not a breach of a loving relation to a personal God, it arises from ignorance; redemption is necessary because of the created nature of man; salvation is future intercourse with God, in a state of eternal peace; righteousness is a condition of reward, not the adoption of a child of God. In other words, the fundamental elements of Christian truth are here, but they are turned largely into heathen concep-

[1] Justin follows Plato's idea, that faith is unintelligent belief in material objects, as the sailor in his ship.

tions. The Gospel has become a natural religion, only of fuller knowledge, because revealed by God. That is, the strain of Greek theology from Justin to Origen.

(7) Further philosophic influences can be traced in the theory that the Septuagint was inspired (*cf.* Philo and Clement of Alexandria), and, like all Scripture, had a double sense, ἀμφιβολία. Any reader of Barnabas, Justin, or Clement of Alexandria will see that texts of Scripture could easily be expanded by the allegorical process to let in Greek philosophy, and were so expanded. When the further principle is admitted by Justin, Athenagoras, Clement of Alexandria, and others, that the Greek philosophers were, in a measure, inspired by God to reach the truth which they taught, or when Clement of Alexandria held that God gave the Jews the law and the prophets, and the Greeks philosophy, which he called "a covenant" with the Greeks to prepare them for the Gospel, we can readily see how inevitably philosophy must come into theological thought.

(8) In the use of the Sacraments the same philosophical tendency appears. Justin speaks of baptism as φωτισμός; it is also called a "seal," both terms coming from the heathen *mysteries*. Clement says the term *illumination* came from Greek philosophers, saying "among them to catechize and *illuminate* their disciples is called to *regenerate* them."

(9) The eschatology of Clement of Alexandria echoes Hellenism. He believes the just must also be purged by the "wise fire," a term borrowed from the Stoics. His theory of future punishment is Platonic. He thinks that repentance might take place at any time before the Day of Judgment.

Harnack lays great stress upon Gnosticism in the development of Christian doctrine, even saying that it was an attempt at an acute secularization of Christianity in a few years, which was afterwards realized in the Church through many years. That is an extreme position, for a good deal that was in Gnosticism never became the faith of the Church, and, on the other hand, some of the doctrines ascribed to Gnostic influence are in the New Testament, and were more or less developed before Gnosticism appeared.

We may, however, recognize Gnosticism as a philosophical mystical growth, and in the influence which it did exert upon Christian thought trace a further result of Greek speculation.

The following points may be noticed:

(1) The terms applied to God point in this direction. Thus *οὐσία*,[1] *ὁμοούσιος*, of the Son, rejected at Alexandria (261) but accepted at Nice, and *ὑπόστασις*[2] are of Gnostic origin. Heathen Gnostics and Christian Gnostics were very similar, and through them philosophical influences worked into the Church.

(2) The uncertainty, in speaking about the Logos, and the Holy Ghost, in Hermas, Athenagoras, etc., is like the Gnostic uncertainty about æons, their names and numbers. There was such an ignoring of the Holy Spirit in philosophic thought, that Origen said belief in the Spirit was the distinguishing prerogative of Christianity (Bigg). We find a preëxistence ascribed to the Church in Hermas and II. Clement (14), as among the Gnostics. Tertullian uses the designation *προβολή* to designate the transition of the immanent Logos into personal existence beside God, just as the Gnostics did.

(3) Gnostic hatred of matter, because of their dualistic thought, led to asceticism; here we find a similar tendency in the orthodox Church, in which the world was regarded as under the rule of the Devil, and the divine life must be sought by leaving it.

(4) But especially in the combination of philosophy and a system of Mysteries can Greek influence be traced, both in Gnosticism and the Catholic Church. For ordinary laymen, there were mysteries; for the enlightened, there was knowledge.

Weingarten sums up Gnosticism as an attempt "to transform Christianity after the manner of the ancient mysteries, and in this new cultus of mysteries to present Christianity as the completion of the ancient religion of nature and

[1] A Platonic term.

[2] A Stoic term, a somewhat late word. Origen uses it for person.

philosophy." He holds it was not so much a philosophic-speculative as an ecclesiastical-religious development.

The careful study of a writer like Clement of Alexandria will show how true this is of the transformation in the worship of the Catholic Church itself. Clement refers to the Old Testament as superior to Greek religions, only in the matter of wisdom—all philosophy came from it; but he refers to the Greek mysteries much oftener than to the Old Testament in expounding his theology. For this Christian thinker, Old Testament peculiarities are little more than objects of antiquarian interest. He calls Christ High Priest but once; he often calls him a Hierophant and Mystagogue.[1] To meet heathen Gnosis and heathen mysteries, Clement sets forth Christian Gnosis and Christian mysteries. Like the heathen teachers of mysteries, he finds two classes of men—initiated and uninitiated; like them, too, he holds that revelation must be allegorical. He follows the Gnostics here, too, in handling the New Testament. The highest good of the ancient rites was immortality; so Clement puts it first. Justin speaks in like manner of Plato, *τοῦτο γάρ ἐστι τὸ τῆς τοῦ Πλάτωνος φιλοσορίας τέλο, τὸν θεὸν κατόπτεσθαι.* Clement, like the Gnostics, regarded religion as more a cult of mysteries than a system of theology.

Bratke traces[1] to Clement the source of all the constituent factors of the ritual of sacrifices and mysteries, which appears in both the Eastern and Western Churches, and does not hesitate to say that he elaborated his thoughts "in conscious imitation of the cult of the ancient mysteries."

In these days, before the fourth century, there was great freedom in the formation and expression of theological opinions. Not till the middle of the second century was the New-Testament Canon fixed as a rule of doctrine. It was not till Gnosticism and Ebionism, and other disturbing parties arose, that the Church became critical, and put together her Canon, stiffened up her Episcopal organization, and, at the same time, set to work to give more definiteness and a clearly understood expression to her Rule of Faith.

[1] *Cf.* Bratke, *Studien u. Kritiken*, 1887, H. IV.

Thus we have had two lines of development going on more or less parallel:

(1) The growth of a simple expression of belief summed up in historic statements, and gathered about the baptismal confession of Father, Son, and Holy Ghost. This is the rudimentary, so-called Apostles' Creed; it appears essentially in Tertullian and Irenæus, and belongs to the Roman Church in the early part of the second century.

(2) The other line of thought is the philosophical statement of Christianity, which begins largely with Justin Martyr, a converted Platonist, who brought all his philosophy with him into the Church, and then set himself to clothe the ideas of Plato with the words and forms of the Scriptures.

The last step of the Syncretistic development was to take the results of the philosophico-theological movement, and put them into the simple Rule of Faith of the Churches, to combine knowledge and faith, theology and religion, a transcendental system of God, Logos, Universe, Man, and Destiny with Jesus, the simple "communion of saints" and the belief in Father, Son, and Holy Ghost, without knowing or asking how they subsist.

The Rule of Faith arose among men, who wrote and thought as did the Apostolic Fathers. Greek theology appeared among the Apologists and others, who faced the problem of harmonizing religion and science, piety and culture.

Now, in the latter part of the third century, after a series of Christological controversies had arisen, all leading men in the Church felt the need of combining the Rule of Faith and a theological Creed.

The Apologetic movement with its Syncretistic theology culminated in Origen, who built up all the *Sententiæ*, elaborated by his predecessors, into a system. His *περὶ Ἀρχῶν* is the first system of theology produced in the Church.

Here we find Greek speculation so taking the Gospel into its grasp that a philosophical unity for good or ill pervades it. Allegory is richly employed. The eternal generation is added to the doctrine of the Logos. Creation was eternal.

Freedom of the will can never be lost. Souls existed before birth, and fell in a previous state. The resurrection body is immaterial. All these points rest upon Platonic philosophy, a philosophy which makes God all in all. This philosophic doctrine is the real; what the Church teaches, the literal sense of Scripture, about history in time, fall in time, salvation in time, etc.—is but symbolic of the great reality. He turned πίστις into γνῶσις, and made Christian γνῶσις consist in cosmological speculation, based upon a revealed philosophy. Practically, as Harnack says, the whole Greek idea of salvation was vitiated by regarding salvation first of all through abstraction from the world, through opposition to the limiting attributes of this world. The influence of Origen was so great that all thinkers in the East came under his control. A natural theology of God and life in him became prevalent in the third century. The idea of religion was largely that of ascetic contemplation of God.

But what had become of the Rule of Faith? It was growing. In the hands of men like Irenæus and Tertullian it was incorporating Scriptural views respecting the preëxistence of Christ, suggested perhaps somewhat by Gnostic controversy, also that Christ "ascended incarnate to Heaven" (against Docetics); it calls him (so Irenæus I., c. 10) "our Lord and God, and Saviour and King,"—reminding us a little of the more philosophical theology.

It is very likely that the simple belief of the mass of the people was still more elementary than this. Tertullian says distinctly that the common members of the Church, *quæ major semper credentium pars est*, were frightened at the talk of οἰκονομίαν, and accused their teachers of holding "*Monarchiam.*" The human Saviour seemed thrust aside by the theological Christ. We hear in Clement of Alexandria the people also saying that things non-essential to salvation should be passed by, in order to hold to the things that were necessary and profitable.

Yet the drift was toward more theology in the Rule of Faith. The successive steps cannot be traced, but we find, soon after the time of Origen, that the speculative ex-

planation of the Creed had come to take the place largely, in the East, of the Rule of Faith itself.

Irenæus had already declared the Rule of Faith as expanded in his hands, as the substance of the faith of all the Churches, and as coming down from Apostolic days. And now in view of heretics, disorders, heathen attacks, etc., a more theological Creed was felt to be necessary, which should express the faith of all the Churches, and also be based on Scripture and traced to the Apostles.

Such a creed we find in a confession of faith of Gregory Thaumaturgus (d. 270), a pupil of Origen. It was a synopsis of his master's theology and ran as follows:

"One God, Father of the living Logos, of the subsisting Wisdom, and of power, and of eternal likeness, perfect begetter of perfect, Father of a Son only begotten.

"One Lord, *μόνος ἐκ μόνου*, God of God, image and likeness of the Godhead, effective Logos, universal Wisdom of the constitution of all things, and creative power of the whole creation, true Son of the true Father, invisible of invisible (*i. e.*, invisible Son of invisible Father), and incorruptible of incorruptible, and immortal of immortal, and eternal of Eternal.

"And in a Holy Spirit, having its substance from God and having appeared through the Son, image of the Son, perfect from perfect, the originating life of the living, holiness, giver of sanctification, in whom is manifested God the Father, who is over all and in all, and God the Son, who is through all, perfect Trinity (*τριάς*), in glory and eternity and kingdom not divided, etc."

Alexander of Alexandria, in his letter to Alexander of Constantinople, at the opening of the Arian controversy, shows that the Church in the former place had then a similar theological Creed. (*Cf.* Harnack.) Such cosmological creeds doubtless arose in many places, in the latter part of the third century, and largely thrust aside soteriological Rules of Faith. It looked as if, just when the Church and Empire were to meet under Constantine, the Creed of Christianity had sunk to a mere natural theology, with a system of

ethics attached. Constantine worshipped "God in nature," after the Neo-Platonic fashion, yet Eusebius regarded him as a man of Christian belief. Eusebius himself spoke of God as τὸ ὄν, ἡ πρώτη οὐσία, and that was called Christianity.

Syncretism, orthodox, Arian, Monarchian, and every thing else, seemed to have well-nigh banished Jesus Christ, the Divine-Man, the loving sin-bearer, the Justifier, the Messiah, from the thought of the Church.

Then came the great crisis of Nicæa—when Athanasius restored a Logos of salvation instead of the cosmological Logos. He stripped off the cold metaphysical garb, and set forth the Logos as the principle of Salvation, the consubstantial Son of God, through whose incarnation mankind are redeemed and may regain the divine likeness.

Philosophical speculation in theology was here broken through, but it was not wholly overthrown. Breathing space was found for Soteriology, but there still remained a Hellenic stamp and coloring, which must be removed from the Creeds to reach the original simple faith.

THE INFLUENCE OF THE GOLDEN LEGEND ON PRE-REFORMATION CULTURE HISTORY.

THE INFLUENCE OF THE GOLDEN LEGEND ON PRE-REFORMATION CULTURE HISTORY.

By Rev. ERNEST CUSHING RICHARDSON, A.M.
Associate Professor and Librarian of the Theological Seminary, Hartford, Conn.

The point of this essay is that this work of Voragine is the occasion of certain phenomena which have been accounted for on the ground of other influences or passed by as having no explainable ground.

It is introduced as an illustration of the influence of literary works in forming historical conditions and the need of a knowledge of a work itself and the quality of its influence in forming a proper understanding of the circumstances of a given period.

It aims to suggest the need of scientific groundwork for the estimating of that influence in the collection of actual data as to the number and distribution of mss., or the number and size of the editions of a work.

It was suggested by the fact that in trying to follow out exhaustively several trails in somewhat differing subjects, without finding satisfactory causes for the effects, three of the trails converged in Voragine who had been entirely passed by the chief investigators in some of these lines.

These were:

1. The prevalence of certain forms of the Life of St. Clement of Rome.

2. The stage-setting of early diabolistic plays and the imagery of such representations in literature.

3. The prevalence of "compacts with Satan" just before the Reformation.

The work known generally as the Golden Legend, or Legenda aurea, is known also as Historia longobardica Vitae sanctorum, Legenda sanctorum, etc.

The author, variously known as Jacobus de Voragine, Jacopo da Voragine, Jacobus a Varagine, Giacomo di Viraggio, Jacobus Januensis, and even Johannes Januensis, was born about 1230,[1] entered the order of the Premonstrants in 1244,[2] became Archbishop of Genoa in 1292,[3] and died about 1298.[4] He wrote this work some considerable time before the end of his life, perhaps, as Fabricius[5] says, before the year 1273.

The popularity of the work is in a general way well known, and has been more or less fully exhibited,[6] but the extraordinary nature of this popularity is none too clearly conceived, for it is not given due weight in the interpretation of popular imagination of the middle ages. It is often passed by, even, as an outdated mass of fictions. Fiction it is and outdated, but it is a fact, and it was a force. If the period is to be understood, it must be understood. It is worth the pains to try to verify the conception of popularity as applied to the Golden Legend.

We speak of our modern novels as popular, but there has never been a modern novel which has had such a popularity as this Historia longobardica of Voragine. "Robert Ellsmere" and the apocryphal "Ben Hur" have their day and cease to be, like the "Castle of Otranto" and "Thaddeus of Warsaw" before them, but here is a work which retained full popularity for 250 years. Written toward the end of the 13th century, it sprang into immediate popularity, so that even as early as 1290 it seems to have received the name Aurea Legenda.[7]

[1] Omn. [2] Tiraboschi, Storia della lett. ital., iv.(1823), 233.

[3] Fabricius, Tiraboschi, etc.

[4] Cave, Hist. lit., 2 (Oxen. 1743), 334. et al. It is undoubtedly, correct, though some prolong even to 1312.

[5] "Tempore interregni ante A. 1273." Fabricius, Salutaris lux evangelii (Hamburg, 1731), p. 214. [6] Fabricius, Echard et Quetif, Brunet, etc.

[7] There is a ms. at Le Mans dated 1290, so entitled in Haenel col. 202. There are many mss. of the 13th century still extant, showing already a distribution over all Europe.

Manuscripts of the work are very numerous. Ristelhuber (?), speaking of the Theophilus legend, says it received its widest circulation through the Speculum historiale of Vincent of Beauvais; but mss. of Vincent, numerous as they are, are much less so than mss. of Voragine.

"The eagerness with which it was received," says Brunet,[1] "gave plenty of business to the copyists. Infinite numbers of manuscripts of it were reproduced." In the collection of catalogues of mss. by Montfaucon (1739), one can find mention of nearly fifty mss. of the work. From the collection by Haenel (1830) I have extracted from under various rubrics sixty-one. Supposing that the ratio to extant mss. is the same as I have found it to be in the case of the Clementine Recognitions, one might expect to find three hundred or more extant mss. of the Legend. Such data as I have been able to collect from modern catalogues of mss. indicate that this estimate might not be excessive and that at the very least there are more than two hundred mss. of the work still existing, scattered in every locality of Europe. It was early translated into at least French (ms. Soissons, 1335), Dutch (ms. Utrecht), and Italian (ms. Florence, 1430).

Striking as the result of an analysis of mss. is, an analysis of printed editions is still more so. The first edition was shortly after 1470. I have gathered from various sources[2] a list of more than 150 subsequent editions in Latin (ab. 95), French (20), Italian (16), English (8), Dutch (14), and Bohemian (3), and all but about half a dozen of these are within little more than fifty years from the time of the first edition. I have not included in this list a High and a Low German translation variously mentioned,[3] nor the multitudinous editions of the famous German Passional, which is said[4] to differ from Voragine.[5]

[1] La legende dorée. Tr. par Gustav Brunet. Paris, 1843.

[2] Panzer, Mattaire, Graesse, Brunet, Fabricius, Cave, many library, auction, and antiquarian catalogues, etc., etc., etc.

[3] *E. g.* Quaritch. Catal. (1888), Nos. 36,112 and 36,188.

[4] J. C. Brunet, Manuel 3 (1862), 900 s. v. Leben.

[5] I fancy this may be found closely related to Voragine, but have had no opportunity to examine.

I have here a table of the editions, giving distribution by years and places of publication.[1] From the year of the first dated edition (1474) to the end of the century and even later, there is not a single year which did not see some new edition, and there is reason to believe that the editions were often larger than the usual editions of a work in those days.[2]

But the number of mss. or editions by no means measures the influence of the Golden Legend. The frequently printed Liber festivalis, first published by Caxton in 1483, is a type of a considerable class of works. The author, Mirkus, explains that in compiling these sermons for all the principal feasts of the year he has extracted chiefly from the Golden Legend.[3]

Voragine himself has a series of sermons for the whole year, which were of the same cast and only less popular than the Legend itself, and indeed were called later "sermones aurei."[4]

An enumeration of mss. of these works and others such as these, and many a selection, condensation, and redaction, with innumerable martyrologies and hagiologies which have drawn from this, would be necessary to give a full view of the actual literary influence of the work.

And this again only begins to give a glimpse of the real

[1] A critical bibliographical treatment of the material is impossible here. The following tables will give an accurate enough general idea, though undoubtedly some editions have been wrongly admitted, as some of those not included may have been wrongly dropped. By Years: 1472 (?), 1474 (3), 1475 (3), 1476 (2), 1477 (2), 1478 (4), 1479 (3), 1480 (5), 1481 (6), 1482 (5), 1483 (8), 1484 (6), 1485 (6), 1486 (4), 1487 (5), 1488 (5), 1489 (2), 1490 (3), 1491 (1), 1492 (3), 1493 (6), 1494 (1), 1495 (2), 1496 (7), 1497 (6), 1498 (1), 1499 (3), 1500 (3), 1501 (1), 1502 (1), 1503 (2), 1504 (1), 1505 (1), 1509 (1), 1510 (2), 1511 (1), 1512 (3), 1516 (2), 1518 (1), 1522 (1), 1524 (1), 1525 (1), 1526 (1), 1527 (1), 1533 (1), 1546 (1), 1554 (1), 1576 (1), 1585 (1), 1607 (1), 1843 (1), 1846 (1), 1850 (1), 1878 (1), s. a. mainly before 1500, (22). By Countries: *Bohemia* (3), *England* (8), *France* (34), *Germany* (39), *Italy* (27), *Netherlands* (24), *Switzerland* (9), s. l. (15 ?).

[2] *Cf.* Aspland's ed. of Caxton's edition (1878), p. 36, showing that Caxton printed more than his usual number. The unusual number of extant editions and copies goes to indicate the same thing. There are, *e. g.*, not far from a dozen copies of various editions in the Boston Public, Harvard University, and Union Theological Seminary (N. Y.) Libraries.

[3] Blades, Caxton (1882), 264.

[4] In ed. Paris, (1500) at least.

outreaching of its ideas, and forms of imagination, for these works were not simply read by students. The sermons were preached and the legends read by the parish priest, according to the custom of the time,[1] day by day to his attentive hearers,[2] so that each copy was more than a circulating library, and its influence almost to be compared with that of the Press in modern times. Its ideas were worked in and in upon the minds of the people, until they thought in its images, dreamed in its thoughts, and acted in its principles. Read the Legend through and, steeped in the decoction of diabolistic imagery, try to think how people could help having nightmares of demons.

The work consists, as its average name suggests, of legends of the saints, attached to a brief History of Lombardy like a dog to his tail—barring the vital connection.

Here one finds the great bulk of the stories so familiar to us in art and poetry, for the author collected with utmost assiduity every thing improbable which had ever appeared in hagiologic literature. His principle of criticism was aggregation and the elimination of the probable, albeit he makes considerable show in parading his "authorities."

The wonderful miracles, fastings, sufferings, humility, unselfishness of the saints are an endless theme, but it is on the temptation of men that the author loves chiefly to dwell.

In this work there are demons at every turn, demons in the forms of dragons, of angels, of saints, of men; as infants, as Ethiopians, as Jews, as birds, beasts, and reptiles, and especially as women, always tempting, promising, tormenting, tormented, howling, yet always overcome. The consultations of these by magic rites are innumerable and so are vivid hand-to-hand fights with the devil, strugglings, magic deliverance from prison and bonds, and here too is the whole scenic effect of later plays in the flames, fiery furnaces, earthquakes, flaming eyes, and sulphur-breathing mouths. One is fairly steeped in such things. It is easy to see how

[1] "Comme le prouve une foule de temoignages." Du Meril, Poesies populaires lat. m. a. (1847), p. 61.

[2] G. Brunet, Leg. dor. Introd.

minds saturated with these ideas readily grew into certain familiar phases of habit of worship, of superstition, or of life.

Recognizing fully that every literary work was a factor in some degree among the many factors which went to form the pre-Reformation life, it is worth while to recognize and trace among all factors, a somewhat peculiar and extended influence of this work—how it penetrates into that strange history of magic, how it touches the miracle plays, how it runs into folk-lore, into literature and art, shapes conceptions of heaven or hell, which endure to the present, and forms habits and methods of piety.

But it is impossible on any generalization to get a clear conception of its actual influence. The fact can best be tested by following out in somewhat minute analysis some single feature.

I have suggested three in which I have traced it somewhat minutely and I have followed it out more or less fully in respect of others—as in the Mahomet legends,[1] the worship of the Virgin, and various legends of the saints. But let me take from among these one minute analysis and a single easily realized generalization—take, *e. g.*, the curious prevalence of stories of compacts with Satan at the end of the fifteenth century,[2] so often remarked on and accounted for, now (not improperly but not mysteriously) by peculiar Satanic activity on the eve of the Reformation; now by a mysterious "evolution" or "flowing together" in the popular thought[3]—making what a mind too lazy for analysis calls a myth,—but let us see.

The oldest and probable original of all stories of such compacts is that of Cyprian of Antioch, which dates certainly from before Gregory Naz., and perhaps as early as the second century.[4] But this compact was oral, and, moreover, was not consummated, as Satan failed to fulfil his part of the bargain. The introduction of the written compact is in

[1] *Cf.* Dupont. Roman de Mahomet. Ed. Ziolecki (1887), XXXI.
[2] *Cf.* Ristelhuber. Faust (1863).
[3] Steitz. In: Stud. u. Krit. 1867.
[4] *Cf.* Zahn. Cyprian v. Ant. *Erlangen*, 1882.

the story of Theophilus—unquestionably the original of all written compacts.

Borrowing from this or from the story of Cyprian of Antioch, there sprang up other legends of compacts, written or unwritten, in which saints or the Virgin figure as deliverers —such as that of the soldier who sold his wife to Satan, and the ones whom Basil delivered with so great effort. In the next widening circle it enters into general literature, and is found in Cæsar von Heisterbach (1220),[1] in the famous "Liber militarius" of Gotfried von Thienen,[2] and among the French trouvères.[3] Thence again it enters into various curious magical freaks of the succeeding centuries, into the stories of Twardowski, Faust, and the like, into Calderon's drama[4] and the trial of the Salem witches,[5] yes, and yet again into humblest folk lore,[6] until it has become one of the most widespread of conceptions.

A good deal of care has been given to the collection and study of these stories, especially by students of Faust or Calderon, of Theophilus, or of Early French Poetry. Almost without exception, however, those who have most carefully collected allusions to and repetitions of these stories, have entirely passed Voragine's versions,[7] or at least entirely failed to swing them into the line of investigation

[1] "Miracul. II., Ch. XII. In: Tissier. Bibl. patr. Cist."

[2] In: Scheible. Kloster. 2 (1846), 155–64.

[3] *Cf.* Rutebeuf, ed. Jubinal.

[4] Il magico prodigoso.

[5] Cotton Mather, in his "Wonders of the Invisible World," 3d ed., 1693, repr. 1865, p. 443, quotes from "Dr. Horneck's" account of what happened at "Mobra in Sweedland," bringing out in black letter "where it agrees with what happened among ourselves."

"The *first thing* . . . was to give themselves to the Devil. . . . Hereupon they *cut their fingers*, and with Blood writ their *Names* in his *Book*." The "book" and the "contract with Satan" continually appear in the proceedings.

[6] The idea of compact is frequent here, but I have not been able to verify a statement that the stories of "Sieur Nann and the Korigan" and "Sir Olaf and the Erlking's Daughter" belong to this class.

[7] Ristelhuber, Faust. *Paris*, 1863. Monmerqué et Michel, Theatr. fr. 1839, 1842. Jubinal ed. of Rutebeuf. Wagner, Marlowe's Faustus. *Lond.*, 1877. v. d. Hagen, Gesammtabenteuer. 3 (1850).

in their significance. It is like a description of the waters which flow into the Gulf of Mexico, which omits the Mississippi River, for this much-read work contains at least four of the most clearly marked and common forms. Here under the Nativity of Mary is the story of Theophilus; under S. Justina is the story of Cyprian; under the Assumption of Mary is the soldier who sold his wife; and under S. Basil, the lover-slave. The obscure placing of the stories so that they appear only in actually reading the whole mass through, is perhaps the reason of the general omission; but the fact illustrates in one minute point the general truth that the influence of Voragine's work in the actual formation of men's ideas is not fully recognized.

But the field, narrow as it is, has again become too wide for illustration. Instead of all compacts, take one form—the story of the written compact in the story of Theophilus.

The introduction of the written compact, which with most of us is the inseparable substance of the story, is in the story of Theophilus, the original of all the modern stories of written compacts with Satan.

This story, written in Greek by Eutychianus in the sixth century, and preserved in two recensions, was translated into Latin by Paulus Diaconus in the eighth, and again into Latin verse by Marbod of Rennes (†1123). It was told in full, in a Latin poem, by Hroswitha, the nun of Gandersheim, in the tenth century; versified again in Latin by an unknown French writer of the eleventh century; related in brief by Honorius, Sigbertus in his chronicle, Fulbertus, twice by Vincent of Beauvais, Martinus Polanus, and Voragine in Latin, and by Ælfric in Anglo-Saxon, all before the year 1300. It is mentioned or told by Damianus, Albericus, Albertus Magnus, St. Bonaventure, at least twice by St. Bernard, by Conrad of Wurzburg, Hartmann, Rutebeuf Gautier de Coinsi, and in at least three anonymous French poems, and all these before or contemporary with Voragine and his Golden Legend. Beginning with the end of the thirteenth century allusions multiply. There are Flemish, Low German, High German, French, Swedish, Anglo-Roman,

Icelandic, and Irish poems or miracles, and allusions of all sorts, especially in sermons, hymns, lectionaries, lives of the saints, and the multitudinous works on the Virgin Mary. It is frescoed on the Cathedral of Nancy, painted on glass at Laon, le Mans, and Troyes, and twice sculptured on the façade of Notre Dame at Paris.[1]

Theophilus was Vidame of Adana, in Cicilia. Elected to the bishopric, he modestly declined the office, and another was chosen in his stead, who immediately deposed Theophilus from his Vidameship. Naturally vexed at such treatment, and seeking for redress, he found a Jewish magician, who, after customary ceremonies, introduced him to the Satanic host and its prince, with whom he made a compact in his own handwriting, sealed with his own ring, by which he renounced Christ, the Virgin, and all things holy. He was reinstated in his position, and enjoyed its honors for a time, but at length became troubled about his state, and spending forty days in fasting and prayer to the Virgin, she appeared and comforted him, and secured for him again the document which he had given to Satan. Three days later he had a vision of the Virgin bringing him the compact, and when he awoke he found it on his breast. He made confession in the presence of the people. The compact was read and burned, and after three days of joy he died in peace.

Here is a written compact, but as yet there is no idea of a compact signed in blood. All through the history of mediæval magic, as well as mediæval hagiology, this idea recurs, and in later culture-history this idea has become the familiar conception. The earliest mention is represented to have been by Rutebeuf, the French trouvère,[2] and through him it is said to have worked into literature and popular

[1] It is not worth while to detail here the sources or to enumerate more fully. The list has been gathered from various sources, but the bulk of the references can be found in the Acta sanctorum Feb. I. ed. Paris, Palmé v. 4 p. 486, in the earlier edition of Jubinal's Rutebeuf and the works of Ristelhuber, Monmerqué et Michel, Wagner, and v. d. Hagen, and presumably the works of Ettmüller (Quedl. 1849), and Sommer (Beorl. 1844), not at hand.

[2] Wagner, p. 8, *et al.*

imagination. It is not found before him,[1] and he does use the story twice[2]; but it is found also in Voragine, who was his contemporary, and the circulation of the idea through Rutebeuf was utterly insignificant beside that through Voragine. Moreover, it is likely that Voragine was the originator of the idea. Rutebeuf was born some years later, and, according to some, lived longer than Voragine. The possibility that Rutebeuf took from Voragine is increased to probability, if the statement of Fabricius,[3] that the Legenda aurea was written "ante 1273," is true.

Whatever his authority may have been, the fact before mentioned, of the ms. dated 1290, and the great prevalence of thirteenth-century mss., would make this early date almost necessary. Then, too, the change seems to have been made in the Latin rather than the French. The old form was: "Faciens chirographium, imposita cera, signavit annulo proprio." Damianus has "proprio charactere," and the Martyrologium Germanicum "proprio suo chirographio." In Voragine it appears as "cirographum suo sanguine proprio scripsit et scriptum annulo sigillavit."[4] Add to this, that Voragine quotes as source of his version Fulbertus Carrionensis who also makes no mention of the blood, and the conviction is almost irresistible that whencesoever it may have crept into Voragine's brain, it crept into this story as one of the little embellishments of his imagination. At all events, the reason of the great prevalence of this idea is found in the popularity of the Golden Legend.

So much for the Theophilus story. This is only one single strike, but this one trait is a type. The track has been followed out in more or less detail in many particulars. Take the stories of compacts, take the life of Clement, take especially the whole paraphernalia of mediæval magic, and the suggestion is the same.

It is not at all that the ideas were original with Voragine.

[1] At least, in any allusion I have been able to find, although I have examined the text of all excepting S. Bonaventura.

[2] In an Ave and as subject of a Miracle.

[3] Salutaris lux evangelii (Hamb. 1731), 214.

[4] Ed. Ulm, 1488. M. 1.

St. Thomas Aquinas, *e.g.*, thought he saw Satan in the form of an Ethiopian, and many a man before his time had helped him to crystallize his thoughts into that form of conception, but it was Voragine who, by his compilation, did more than all others combined to make that conception a part of the popular mind in later centuries, in story, in plays, and in literature.

Following this analytical illustration, a brief, generalized one, which I would like, if there was time, to draw out in fuller statement, so fascinating is the theme.

Every picture-gallery of Europe is crowded with saints and symbols. Many of these are strictly legendary, and even the multitudinous Scripture representations are taken from, or influenced by, the legends rather than Scripture, for they have some clearly legendary traits. It was only yesterday that I ran across this expression of Mrs. Jameson, which will condense what I had intended to say now by some pages. "The Legendary Art of the Middle Ages sprang out of the legendary literature of the preceding ages." [1]

She goes on to say that "For three centuries at least this literature—the only literature which existed at the time—formed the sole mental and moral nourishment of the *people* of Europe."

It is hardly necessary to suggest again the part which Voragine played in this influence, or to remind that the real beginnings of modern art were hardly earlier than Voragine.[2]

I fancy that the more remote influence of Voragine and other hagiologists on modern literature and art is even greater than its tangible effect on the former. For consider that this was the field and the chief gymnastic on which the popular imagination of centuries was trained, and, though

[1] Jameson : Sacred and Legendary Art, p. 2.

[2] Niccola Pisano, fl. 1260; Cimabue, b. 1240, d. 1302 (?); Duccio, fl. 1282–1320; and Giotto, b. 1266, d. 1337, were his contemporaries. Almost all art, whether in illumination of mss., in painting on glass, or wall painting, or what not, was sacred and very generally legendary. The fact is that "In the thirteenth century mediæval art underwent a great transformation" (Woltmann and Woermann, N. Y., 1880, p. 335), and the Golden Legend was in the midst of it, and became of it more and more.

useless for *fact*, yet, as imagination-gymnastic, it could hardly be improved on.

The popularity of the Golden Legend has thus been illustrated by the wide circulation of itself and its ideas, and its influence on culture-history, through this popularity, suggested in two illustrations, which indicate that this influence can be easily traced in the religious life of the people, in literature, and in art.

NOTES ON THE NEW-TESTAMENT CANON OF EUSEBIUS.

NOTES ON THE NEW-TESTAMENT CANON OF EUSEBIUS.

By Rev. ARTHUR CUSHMAN McGIFFERT, Ph.D.
Instructor in Church History, Lane Theological Seminary, Cincinnati, O.

I do not propose to enter into a discussion of the general subject of Eusebius' New-Testament canon; I desire to do little more than suggest an interpretation of the classical passage in *H. E.*, III., 25.

This is the only place in which Eusebius attempts to treat the canon systematically, and in it he is speaking purely as an historian, not as a critic. He is endeavoring to give an accurate statement of the general opinion of the orthodox church of his day in regard to the number and names of its sacred books. He does not, in this passage, apply to the various works any criterion of canonicity further than their acceptance as canonical by the orthodox church. He simply records the state of the canon; he does not endeavor to form a canon. He has nothing to do, therefore, with the nature and origin of the books which the church accepts. The church whose judgment he takes is, in the main, the church of the Orient, and in that church at this time all the works which we now call canonical (and only those) were already commonly accepted, or were becoming more and more widely accepted as such. From the standpoint, then, of canonicity, Eusebius divided the works which he mentions in this chapter into two classes: the canonical (including the *homologoumena* and the *antilegomena*), and the uncanonical (including the νόθοι and the ἀναπλάσματα αἱρετικῶν ἀνδρῶν). But the νόθοι he connects much more closely with the *homologoumena* and *antilegomena* than with the heretical works, which are, in fact, separated from all the

rest and placed in a class by themselves. What, then, is the relation of the *homologoumena*, *antilegomena*, and νόθοι to each other, as Eusebius classifies them? The crucial point is the relation of the νόθοι to the ἀντιλεγόμενα. Lücke identified the two, but such identification is impossible. The passages which he cited to confirm his view prove only that the two terms are commonly employed by Eusebius in a loose sense, and establish nothing as to his technical use of them in his systematic treatment of the subject. Various views have been taken since Lücke's time upon the relation of these terms to each other, but, to me at least, none of them seem satisfactory, and I have been led to adopt the following simple explanation. The *antilegomena* were works which, in Eusebius' day, were, as he believed, commonly accepted by the Eastern church as canonical, but which, nevertheless, as he well knew, had not always been thus accepted, and indeed were not even then universally accepted as such. The tendency, however, was distinctly in the direction of their ever wider acceptance. On the other hand, the νόθοι were works which, although they had been used by the Fathers and were quoted as γραφὴ by some of them, were, at this time, not acknowledged as canonical. Although perhaps not universally rejected from the canon, yet they were commonly so rejected, and the tendency was distinctly in the direction of their ever wider rejection. Whatever their merit, and whatever their antiquity and their claims to authenticity, Eusebius could not place them among the canonical books. The term νόθοι, then, in this passage must not be taken, as it so commonly is, to mean spurious, or unauthentic, but to mean uncanonical. It is in this sense as against the canonical *homologoumena* and *antilegomena* that Eusebius, as I believe, uses it here, and his use of it in this sense is perfectly legitimate. In using it he passes no judgment upon the authenticity of the works referred to; that, in the present case, is not his concern. As an historian he observed tendencies, and judged accordingly. He saw that the authority of the *antilegomena* was on the increase, that of the νόθοι on the decrease, and already he could draw a

distinction sharply between them, as Clement of Alexandria could not do a century before. The distinction drawn has no relation to the authenticity or original authority of the works of the two classes, but only to their canonicity or uncanonicity at the time Eusebius wrote.

This interpretation will help us to understand the peculiar way in which Eusebius treats the Apocalypse, and thus his treatment of it becomes an argument in favor of the interpretation. He puts it, first, among the *homologoumena* with an εἴγε φανείη, and then among the νόθοι with an εἰ φανείη. No one, so far as I know, has explained why it should be put among the νόθοι as an alternative to the *homologoumena*, instead of among the *antilegomena*, which, on the common interpretation of the relation of the classes, might be naturally expected. If the view presented is correct, the reason is clear. The *antilegomena* were those works which had been disputed, but were becoming more and more widely accepted as canonical. The Apocalypse could not, under any circumstances, fall into this class, for the doubts raised against it in the orthodox church were of recent date. It occupied, in fact, a peculiar position, for there was no other work which, while accepted as canonical, was doubted in the present more than in the past. Eusebius then must either put it into a special class or put it conditionally into two different classes, as he does. If the doubts should become so widespread as to destroy its canonicity, it would fall naturally into the νόθοι, for then it would hold the same position as the other works of that class. As an historian, Eusebius sees the tendency and undoubtedly has the idea that the Apocalypse may eventually, like the other Christian works of the same class (the Shepherd, the Apocalypse of Peter, etc.), become one of the νόθοι, one of the works which, formerly accepted, is at length commonly denied to be canonical; and so, as an historian, he presents the alternative. The Apocalypse was the only work in regard to which any doubt could exist.

Eusebius' failure to mention explicitly in this passage the Epistle to the Hebrews, has caused considerable misunder-

standing. The explanation, if the view presented be adopted, is simple. Eusebius included it, I believe, among the epistles of Paul, and did not especially mention it, simply because there was no dispute about its canonicity. Its Pauline authorship had been widely disputed, as Eusebius informs us elsewhere, and various theories had been proposed to account for it; but its canonicity had not been doubted in the orthodox church, and therefore doubts as to the authorship of it did not in the least endanger its place among the *homologoumena*, as used here in a technical sense; and since Eusebius was simply stating the works of each class, not discussing the nature and origin of those works, he could, in perfect fairness, include it in Paul's epistles (where he himself believed it belonged) without entering upon any discussion of it.

Another noticeable omission is that of the Epistle of Clement to the Corinthians. All efforts to find a satisfactory reason for this are fruitless. It should have been placed among the *νόθοι* with the Epistle of Barnabas, etc., as Eusebius' treatment of it in other passages shows. It must be assumed that the omission of it was nothing more nor less than an oversight.

Eusebius, then, classifies the works mentioned in *H. E.* III., 25, upon two principles: first, in relation to canonicity, into the canonical and the uncanonical; and secondly, in relation to character, into the orthodox (*homologoumena*, *antilegomena*, which are canonical, and *νόθοι* which are uncanonical), and heterodox (which are not, and never have been, canonical, never have been accepted as of use or authority). The *homologoumena* and *antilegomena*, then, are both canonical and orthodox, the *ἀναπλάσματα αἱρετικῶν ἀνδρῶν* are neither canonical nor orthodox, while the *νόθοι* occupy a peculiar position, being orthodox but not canonical. The last-named are much more closely related to the canonical than to the heterodox works, because when the canon was a less concrete and exact thing than it had at length become, they were associated with the other orthodox works as, like them, useful for edification and instruction. With the heretical works they had never been associated, and possessed

in common with them only the negative characteristic of non-canonicity. Eusebius naturally connects them closely with the former, and severs them completely from the latter.

The only reason for mentioning the latter at all was the fact that they bore the names of apostles, and thus might be supposed, as they often had been—by Christians, as well as by unbelievers,—to be sacred books like the rest. The statement of the canon gives Eusebius an opportunity to warn his readers against them.

A NOTE ON THE NEED OF A COMPLETE MISSIONARY HISTORY IN ENGLISH.

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By Rev. SAMUEL MACAULEY JACKSON.

In the fall of 1887 the author began, at his own instance, the preparation of a complete missionary bibliography in all languages as a preliminary to a study of the subject of foreign missions. A selection from it is to be found in the Report of the Centenary Conference on Foreign Missions, London, 1888, 2 vols. (vol. I., pp. 491–538).

Although the list as printed is not nearly so extensive as it might be made, yet it contains nearly all the books on missions proper known to the compiler, and therefore may be taken as the basis of the present inquiry. In it are the titles of 172 proper histories of the whole or part of the field, and 280 of books of directly historical contents. Yet it reveals that there is not a single book in English which can be called a really complete history of foreign missions; by which I mean that there is not a single book which tells the story of the propagation of Christianity from its beginning to the present day. There have been several attempts in this direction in other languages. Thus we have the famous and valuable "Salutaris lux evangelii" of Johannes Albert Fabricius, Hamburg, 1731. But this is found, on examination, to be rather materials for such a history than a history itself. Besides, it was written before the present missionary activity began, and therefore, in any case, would be hopelessly behind the times. The next book to be mentioned as in any sense a complete history is one by Christian Gottlieb Blumhardt, and is of the greatest merit. It is the modestly styled "Versuch einer allgemeinen Missions-geschichte der Kirche Christi," Basel, 1828–37, 3 vols., in five parts. This

is written from the sources, and would, with proper additions, meet our requirements, but, unfortunately, it goes down no further than the Reformation. We have some short histories which try to give an outline of the story: *e. g.*, Mr. George Smith's "Short History of Christian Missions," Edinburgh, 1884, second ed. 1886. But no one who is interested in the subject thinks of being satisfied with a few pages written at second hand on the story of the spread of Christianity during 1800 years. There are several Roman-Catholic histories in German, but they are known to me only by title.

Of course the general Church Histories give the outline of the progress of Christianity, but they do so only as part of their work, and often as if it were inferior in interest to the controversies of Christendom.

There are in English works on portions of the field. Thus we have Dr. Thomas Smith's "Mediæval Missions," and the brilliant lectures of Merivale on the conquest of the Roman Empire, of the Northern Nations, and of the West; and the smaller but still important books of Maclear ("The Conversion of the Celts, English, Northmen, and Slavs") and Walrond ("Christian Missions before the Reformation," London, 1873).

There are more and better books on the modern portion of our theme. Dr. Warneck has written briefly but authoritatively on it ("Outlines of the History of Protestant Missions," Eng. trans., Edinburgh, 1884), and Dr. Pierson has won a great reputation by his "Crisis of Missions," N. Y., 1886. Christlieb's excellent book, from which so many have freely borrowed, "Protestant Foreign Missions," is a study of the subject as it was in 1875, and not a history. But there are two old books which are not likely to be read by any but a student of Missions, which are perhaps worthy of reprinting with additions. I refer to the "History of the Propagation of Christianity among the Heathen since the Reformation," by William Brown, and the better-known book, among us, the "Origin and History of Missions," by Thomas Smith and John Overton Choules. The first-named

work appeared in London in 1814, and in its third edition, in 1854, in three volumes. The second appeared in London, 1824–5, and in its eighth American edition (the last, I believe) in 1846. Both these works are derived from the sources, and embody much information of a special kind. Thus they give the first impression of many missionary fields, for, when written, missions were a decided novelty, and many parts af the earth as yet inaccessible. A word should be spoken on the illustrations in Smith and Choules' book. Who the artist was I know not, but he has probably given more innocent pleasure to the race than many of its genus are permitted to do. Any thing racier than his pictures it would be difficult to find. According to him, missionaries in that early day were singularly alike in their personal appearance. They were all small men, were always well shaven, and had countenances of a sober cast. When in the open air, they always wore tall, chimney-pot hats; their clothes were always of the finest broadcloth and latest London fashions, whether they lived in the tropics or at the poles; and whether baptizing converts in swiftly flowing rivers, or sinking beneath the waves out at sea in small boats, they were as fully and as immaculately dressed as if in attendance on presbytery.

But if we have not a complete history of the spread of Christianity from its beginning, it is not because the materials are not abundant. The period which has been least studied from a missionary-historian's standpoint is the mediæval, but even on it much has been done. What is now mostly required is to bring together the scattered results of special investigations, which now lie buried, more or less, in learned periodicals. It might be a good thing to start a co-operative history of missions on the general plan of Mr. Justin Winsor's history of America, provided we could find an editor so rarely qualified as he. But, at all events, it is worthy of attention that there is nothing in English which can be called in any proper sense a complete history of foreign missions. Who will supply this need?. He will confer a great benefit on the cause. By the spread of exact

knowledge of missions, in all periods, through the churches, there would come such a revival of interest in them, that there would not be so much occasion for the complaint that there are few who really care enough for the conversion of the heathen either to go themselves or to give adequately in the support of those who go.

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